United Nations S/2012/41

Security Council

Distr.: General
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Draft resolution

The Security Council,

Noting with regret the resignation of Judge Awn Shawkat Al-Khasawneh, taking effect on 31 December 2011,

Noting further that a vacancy in the International Court of Justice for the remainder of the term of office of Judge Awn Shawkat Al-Khasawneh thus occurred and must be filled in accordance with the terms of the Statute of the Court,

Noting that, in accordance with article 14 of the Statute, the date of the election to fill the vacancy shall be fixed by the Security Council,

Decides that the election to fill the vacancy shall take place on 27 April 2012 at a meeting of the Security Council and at a meeting of the General Assembly at its sixty-sixth session.

12-21010 (E) 190112

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United Nations S/2012/42

Security Council

Distr.: General
18 January 2012

Original: English

Letter dated 17 January 2012 from the Secretary-General addressed to the President of the Security Council

It will be recalled that during the Security Council luncheon that took place on 23 November 2011, I stated my intention to dispatch a mission to the Sahel region to assess the scope of the threat of the Libyan crisis in the region and the national, regional and wider international capacities to respond to those challenges. I also advised that when I received the report of the mission, I would arrange to present it to the Council. In this regard, I have the honour to transmit the report that the mission submitted to me upon completion of its work.

I should be grateful if you would bring the present letter and the attached report to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

12-20863 (E) 240112

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Report of the assessment mission on the impact of the Libyan crisis on the Sahel region

7 to 23 December 2011

I. Introduction

1. Libya is located in the north-eastern part of the African continent and is considered both an Arab and an African country. Through the years, and as a result of its oil wealth and infrastructure development and the deliberate policies of Libya's late leader, Muammar al-Qadhafi, Libya became a magnet for many impoverished sub-Saharan Africans who fled their countries either as a result of conflict or difficult living conditions and migrated to Libya seeking "greener pastures". Others were absorbed into the Libyan army as regular officers and, reportedly, as mercenaries, and were allegedly given Libyan citizenship. It is reported that some of those individuals were used by the security apparatus of the regime to brutally and violently suppress the population during the crisis and were thus much hated by the population.

2. The crisis in Libya started out with peaceful demonstrations on 15 February 2011 but quickly turned into an internal conflict after street protests were violently suppressed by the Government. The international community, including the United Nations, the African Union, the European Union and the League of Arab States launched several diplomatic initiatives in a bid to bring the crisis to a quick end. Those efforts were unsuccessful in preventing an escalation of the crisis, bringing Libya to the verge of a major humanitarian catastrophe, especially in the eastern parts of the country.

3. Against this backdrop, the Security Council adopted resolutions 1970 (2011) and 1973 (2011) which, inter alia, authorized the use of "all necessary measures" to protect the civilian population. Following months of intense clashes, the regime of Muammar al-Qadhafi came to a violent end with his killing in Sirte on 20 October 2011.

4. While the impact of the crisis reverberated across the world, such neighbouring countries as Algeria, Chad, Egypt, Mali, Mauritania, the Niger and Tunisia bore the brunt of the challenges that emerged as a result of the crisis. In a relatively short period of time, the Governments of these countries, especially those in the Sahel region, had to contend with the influx of hundreds of thousands of traumatized and impoverished returnees as well as the inflow of unspecified and unquantifiable numbers of arms and ammunition from the Libyan arsenal. Although the volume and the impact of the returnee population differs from one country to the other, the influx clearly has the potential to further exacerbate an already precarious and tenuous situation. In addition, these countries are directly threatened by an impending food security and nutrition crisis that could further exacerbate and negatively affect the political, social and economic situation in the region.

II. Context

5. It should be recalled that, at the peak of the Libyan crisis, the Office of the High Commissioner for Human Rights (OHCHR), the Special Representative of the Secretary-General for Libya, the African Union, human rights organizations and others raised concerns about the welfare and treatment of foreigners, especially sub-Saharan African migrant workers in Libya. It should also be recalled that, throughout the crisis, the Security Council and the African Union had diverging views on how to resolve the conflict.

6. The Secretary-General's decision to deploy the first assessment mission to the region, with the participation of the African Union, was intended to convey the message that solidarity should be extended to those suffering the negative consequences of the Libyan crisis; and to send a signal to the region that the United Nations, the African Union and the Economic Community of West African States (ECOWAS) stand together with the affected populations in the Sahel and that, despite past differences, the nature and the complexity of the challenges before the Sahel region demand the cooperative efforts of all partners. These messages resonated well in the region, as all the leaders welcomed the mission and heralded it as a new dawn and hope for a more collaborative and regional approach to tackling the problems facing the region.

III. Mandate

7. The mission was mandated to collect information on (a) the influx of unemployed returnees, including migrant workers, former combatants from Libya and armed Tuareg and Toubou elements into these countries, as well as the impact that their return is having on the socio-economic and political stability in the host communities; (b) the inflow of weapons into the region and the proliferation of small arms and light weapons, surface-to-air missiles and explosives; (c) the nature and the extent of criminal and terrorist activities in these countries and ongoing regional initiatives to address them; (d) the impact on the security sector; (e) the national operational capacity of the security sector; (f) judicial reform; (g) additional efforts needed to address the root causes of recurrent food insecurity and malnutrition, as well as other humanitarian issues; (h) youth unemployment; and (i) disaster risk evaluation. The mission was also mandated to assess national capacities in those areas and to recommend country-specific and regional immediate and long-term measures that the United Nations and the African Union could undertake to support ongoing national, subregional and regional efforts and efforts of the wider international community in addressing those challenges in an integrated and comprehensive manner.

IV. Composition

8. The United Nations inter-agency assessment mission to the Sahel region was deployed under the overall guidance of the Special Representative of the Secretary-General for West Africa, Saïd Djinnit. It was led by Sam Bassey Ibok, Deputy Director, Africa II Division, Department of Political Affairs of the United Nations Secretariat, who was assisted by the African Union representative in N'Djamena,

Ambassador Ki-Doulaye Corentin. The mission comprised representatives of the Department of Political Affairs, the Counter-Terrorism Implementation Task Force Office, the Counter-Terrorism Committee Executive Directorate, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the Peacebuilding Support Office, the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), the United Nations Support Mission in Libya (UNSMIL), the United Nations Office for West Africa (UNOWA), the International Organization for Migration (IOM) and the African Union's African Centre for the Study and Research on Terrorism.

9. A full list of all the participants appears in annex I to the present report. Regrettably, the original decision to have representatives of ECOWAS participate in the mission did not materialize, largely owing to logistical scheduling difficulties. However, the mission benefited from an extensive session held under the leadership of ECOWAS in Abuja.

V. Organization of work

10. The mission conducted its work as a group most of the time. Given the limited time available to the team and the logistical challenges, consultations were essentially limited to the capitals of the five countries visited.

11. Prior to travelling to the region, mission participants benefited from an extensive briefing on developments in the Sahel by Special Representative Djinnit. In each of the capitals visited, the mission members and representatives of the United Nations country teams (except in Abuja) met with a broad range of national political and military leaders, including the President of Mali, Prime Ministers, ministers, parliamentarians and civil society groups, and consulted with thematic and sectoral inter-ministerial technical working groups. In addition, the mission members participated in a two-day meeting of civil society organizations, parliamentarians and Government representatives in Bamako, organized by the Parti pour la renaissance nationale on 10 and 11 December 2011, to discuss the impact of the Libyan crisis on the Sahelo-Sahara regions. Representatives from Algeria, Burkina Faso, Chad, Mauritania, the Niger and Senegal participated in the discussions, which focused on regional concerns regarding all aspects of the crisis in the Sahel.

12. At the end of the visits, the mission representatives debriefed Special Representative Djinnit and Special Representative Abou Moussa of the United Nations Office for Central Africa (UNOCA). The mission's itinerary and list of interlocutors are set out in annex II to the present report.

VI. Impact of the Libyan crisis on the political, security, humanitarian and development situation in the affected countries

13. Although Libya's relations with its neighbours have not always been peaceful, during the 1990s the Qadhafi regime invested considerable amounts of money in the Sahel region. Libya became one of Chad's most important economic partners and provided substantial direct support to the economies of Mali and the Niger, which

partially contributed to the welfare of the region. Also, the strong Libyan economy attracted workers from the subregion, mainly from Chad, Mali and the Niger, and to a lesser extent, Mauritania and Nigeria.

14. An overview of the impact of the Libyan crisis on the Sahel region in 2011 revealed that the extent and the degree of the impact differed depending on the geographic location and on political and economic agreements with the Qadhafi regime. It also revealed that the response of the United Nations system and its partners varied depending on the number of returnees, its capacity on the ground and ongoing programmatic interventions in the areas affected by the crisis. However, it should be noted that many of the challenges facing the Sahel region pre-dated the Libyan conflict.

15. While the events in Libya have affected countries in the region differently, some factors remain uniform and consistent across the region. All of the countries sharing a border with Libya have seen an influx of returnees that has strained existing social structures. Also, some countries that do not share a border with Libya, particularly Mali and Mauritania, have registered influxes of returnees. Although the majority of the returnees are predominantly male, women and children living in the host communities are especially vulnerable but often overlooked. Women face many constraints in securing employment, accessing food or making a living from agricultural activities.

16. The crisis has also negatively affected these countries from a humanitarian perspective, particularly in the light of the looming food security and nutrition crisis. The compounded effects of poverty, food insecurity and malnutrition, the prevalence of such natural disasters as droughts and floods, demographic growth, epidemics (malaria, cholera, meningitis, measles and polio) and violent conflict, coupled with limited access to basic social services and weak State institutions, have already exacerbated the vulnerability of communities in the Sahel and increased dependence on humanitarian assistance. The chronic cycles of food and nutrition crises have weakened household resilience and coping mechanisms. Owing to the scarcity of rainfall mainly across the Sahel strip, the 2012 harvest is highly likely to be worse than in previous years. This will aggravate the prevailing food insecurity and malnutrition levels. Households will thus have to cope with the burden of increasing food insecurity and a decrease in remittances as a source of income.

17. Even in the absence of a declared food security and nutrition crisis, humanitarian needs in the region are enormous. According to the United Nations Children's Fund (UNICEF), approximately 2.3 million children under the age of five die every year in West and Central Africa. More than one third of these deaths are caused by malnutrition. In 2010, nearly 10 million people faced a serious food crisis in the Sahel and 859,000 children under the age of 5 required treatment for severe acute malnutrition. In response, the regional inter-agency standing committee in Dakar developed a regional strategy that aims to reinforce the link between humanitarian assistance, recovery and long-term development and thereby break the cycle of recurrent crises and build sustainable solutions for affected populations.

A. Humanitarian and development concerns

Impact on returnees

18. As at 15 December 2011, IOM registered 209,030 returnees from Libya, including 95,760 in the Niger, 82,433 in Chad, 11,230 in Mali and 780 in Mauritania. However, these figures do not include returnees who crossed the borders without the assistance of IOM. According to Government estimates, the total number of returnees, including unregistered cases, is approximately 420,000, 200,000 of which are in the Niger, 150,000 in Chad, 30,000 in Mali and 40,000 in Mauritania.

19. Independent profiling exercises conducted by IOM in Chad, Mali and the Niger indicated that more than 95 per cent of the returnees from Libya were male, the majority of whom were between the ages of 20 and 40 years, with very low levels of education. They provided low-skilled manual labour in the agricultural, construction, oil and service sectors.

20. It should be noted that prior to the conflict, a significant number of the returnees had been residing in Libya for over 10 years, while some were born and raised there and had never been to their home countries. Most of the returnees lost their savings and possessions and left Libya under extremely difficult circumstances. In some cases, they were victims of extortion and human rights violations during their journey. In addition to psychosocial trauma, feelings of shame and embarrassment relating to loss of their ability to earn and provide for their families further impeded their reintegration and socio-economic stabilization.

Impact on the host communities

21. The majority of the returnees originate from the most impoverished and underdeveloped communities in the region. Their return has placed an additional strain on impoverished host communities that face such constant challenges as frequent crop and agricultural failures, food insecurity, malnutrition, lack of economic opportunities, insufficient health infrastructure and educational services, and social exclusion. In some regions, host communities face the risk of conflict, the prevalence of criminal acts and violence.

22. In the past, labour migration to Libya was one of the main coping strategies of the host communities. The remittances that these returnees used to send back home contributed greatly to the development of the communities and constituted a means of subsistence at moments of crisis. IOM estimates that, on average, each returnee supported over seven individuals in their home country. The loss of remittances has been particularly hard-hitting in the light of the looming food security and nutrition crisis. Meanwhile, their return represents an additional burden to the host families, particularly in countries such as Chad, where the host communities are already sharing resources with refugees and/or internally displaced persons.

Impact on humanitarian access

23. The Sahelo-Saharan region stretches over 8,000,000 km^2, representng one quarter of the African continent. This vast territory represents a significant environmental and geographical challenge in terms of humanitarian access.

Furthermore, the nomadic lifestyle of its inhabitants requires a tailored response for humanitarian action.

24. The deteriorating security situation in the Sahel has negatively impacted the capacity of the United Nations and its humanitarian partners to access the affected populations and carry out their operations. As a result, they have suspended their immunization, nutrition and other support programmes for the most vulnerable communities. While the authorities provide armed escorts for humanitarian operations in Mali and the Niger, the United Nations Humanitarian Air Service is heavily relied on to access communities in Chad and the Niger. The mission was informed that funding for the United Nations Humanitarian Air Service operations is running out, which will jeopardize planned humanitarian operations. The mission was also told that in some areas, the humanitarian vacuum is being filled by Al-Qaida in the Islamic Maghreb and/or criminal elements who are reportedly providing services and humanitarian assistance in remote areas where State presence is reduced or non-existent. This situation may enable Al-Qaida in the Islamic Maghreb to develop recruitment and local support networks for gathering information, supplying arms and ammunition, and other logistics.

Impact on the local economy and budget/fiscal implications

25. The Libyan crisis has had a negative impact on the tourism industry in the region. The fear of abduction and other security concerns have kept tourists from visiting certain countries. This situation has negatively affected the local economies, particularly small enterprises. The suspension of investment in countries such as Mali has caused additional unemployment. Furthermore, the crisis has led to an increase in the prices of basic commodities as a result of high transportation costs of goods that had to be transported from more distant ports.

26. In the Niger, defence spending has increased by 65 per cent, while the budget for social services (education, health, etc.) has been significantly reduced. In Mauritania, the mission was informed that most of the returnees had been reintegrated into their families of origin or absorbed through social solidarity. Although groups of returnees organized frequent protests (demanding jobs, more assistance) in the first few months of their return, the tension appears to have subsided as a result of the Government's promises regarding reintegration.

Disaster risks and climate change

27. The countries in the Sahel region face endemic fragility owing to their susceptibility to multiple political, socio-economic and natural hazard vulnerabilities. Lately, the processes associated with climate variability and climate change (inducing short- to long-term impacts) have increased the frequency, the magnitude and the spread of natural disasters, especially droughts and floods, with more pronounced impacts. In addition to overexploitation of natural resources by humans, models suggest that climate change is triggering drought cycles, which leads to food insecurity and, consequently, social instability.

National responses

28. With respect to the returnees, most of the humanitarian focus has been on the provision of safe, dignified evacuation and transport assistance, including temporary shelter, food and health care. The Governments in the region, in cooperation with

IOM and other humanitarian partners, have taken adequate measures to facilitate the return of their citizens and have cooperated in protecting and assisting third country nationals passing through their territory. Some of the Governments and international organizations are in the process of planning or implementing reinsertion and reintegration programmes aimed at facilitating the early stages of integration of the returnees. However, the need for more comprehensive planning, resourcing and action was highlighted in various meetings of the mission.

29. With regard to the food security and nutrition crisis, the Governments of Chad, Mali, Mauritania and the Niger have already declared a national crisis and have appealed for international assistance to respond to the worsening situation. At the same time, the Governments have developed response plans and have begun to implement related activities.

Regional responses

30. In March 2011, ECOWAS deployed a fact-finding mission to Egypt and Tunisia to evaluate the situation of West African citizens who had fled the crisis in Libya. Subsequently, ECOWAS developed a project, yet to be implemented, for a total cost of $4 million to assist migrants from the region to return to their homes. ECOWAS is also in the process of adopting its new humanitarian policy and has developed a related humanitarian action plan, which it intends to adopt in March 2012. This should allow regional organizations to assist Member States in their efforts to respond to food insecurity and malnutrition and to mitigate the impact of the Libyan crisis.

Recommendations

31. Following are recommendations for immediate and long-term action.

Immediate

(a) National level

- The international community should continue to support the efforts of the Governments in the region and IOM to ensure the safe and dignified return of migrants, facilitate the immediate reinsertion of the returnees and assist affected host communities;
- The international community, including ECOWAS, should enhance its support to humanitarian partners in strengthening preparedness in anticipation of the deteriorating food security and nutrition crisis. It is imperative that adequate humanitarian capacity and resources be available to support a large-scale response within the framework of the regional strategy on preparedness for a food crisis in the Sahel and affected neighbouring countries, developed by the regional inter-agency standing committee for coordination of humanitarian assistance based in Dakar;
- The United Nations and associated security systems in the region should be strengthened. Moreover, Governments need to facilitate continued access for humanitarian actors in the affected areas. Strengthened engagement with donors is also required to ensure sustained and extended support for United Nations Humanitarian Air Service flights, which remain the only means of

mitigating access challenges in most of the affected countries. Based on regional assessments, flights of the Service should be extended in the region to ensure that humanitarian assistance reaches the most vulnerable communities;

- The United Nations system, development partners and relevant international organizations should support the multisectoral reintegration initiatives of Governments. Their strategies should include a strong focus on conflict prevention, social cohesion and protection, as well as livelihood support for returnees from Libya and host families, beyond traditional agropastoral and income-generating activities. Assistance should also target the competencies of the non-agropastoralist returnees. Existing assistance, including protection activities, should be complemented by conflict prevention initiatives that focus on sources of tension between host communities and migrants at transit centres and arrival centres and in returnee communities. Crisis prevention and recovery interventions targeting the communities of origin of the returnees will be instrumental in the short to medium term. It is also essential to promote and strengthen the role of women in community development;

- A fast and effective way to contribute to economic recovery and youth employment in the Sahel region is to focus on employment-intensive infrastructure programmes that integrate conflict-sensitive development and peacebuilding. These programmes should take into account the specific profile of the returnees and the skills they acquired during their stay in Libya;

(b) Regional level

- The creation of a subregional platform that addresses the security, transborder criminal, humanitarian, socio-economic and development issues should be envisaged. Inter-State dialogue to settle the Tuareg situation and support for transborder reconciliation initiatives should be fostered;

(c) International level

- Advocate for the protection of the human rights of migrants in Libya, including the right to physical security, well-being, work, access to justice and personal property.

Long term

- Ensure a regional approach in addressing the root causes of recurrent food insecurity and malnutrition in the Sahel that effectively links humanitarian and development initiatives with a view to ensuring sustainable solutions. Livelihood analysis should be undertaken and attention should be focused on stabilization and recovery dividends;

- Strengthen the institutional, policy and governance landscape of countries in the region to ensure that their development plans, policies and programmes factor in the impact of climate change in order to promote sustainable development; undertake climate/disaster risk assessments to develop country and regional risk profiles for both the short term and the long term and formulate regional and comprehensive multi-agency risk reduction with the active and effective involvement of women;

- Programmes should increasingly focus on the peace, security and development nexus, with a view to strengthening democracy, promoting peace and fostering inclusive economic growth and sustainable development. Over the longer term, conflict prevention and social cohesion interventions should also address community security and access to justice, especially given the weak rule of law structures in areas of return;

- The African Union, Governments in the region and relevant international organizations should facilitate the establishment of labour migration mechanisms between countries within and outside the region to promote temporary migration, development and resettlement programmes. This effort should be based on a voluntary principle and should aim at ensuring the continued protection of people who choose this option.

B. Security concerns

Proliferation of arms and weapons

32. The Libyan crisis further exacerbated an already precarious security situation in the Sahel region. The Governments of the countries visited indicated that, in spite of efforts to control their borders, large quantities of weapons and ammunition from Libyan stockpiles were smuggled into the Sahel region. According to national officials and international experts, these included rocket-propelled grenades, machine guns with anti-aircraft visors, automatic rifles, ammunition, grenades, explosives (Semtex), and light anti-aircraft artillery (light calibre bi-tubes) mounted on vehicles. They indicated the possibility of more advanced weapons, such as surface-to-air-missiles and man-portable air defence systems, being transferred into the region, but did not provide evidence of their existence or recovery.

33. Certain authorities indicated that some of these weapons had been smuggled into the Sahel by returnees, in particular former fighters who had been either members of the Libyan regular army or mercenaries during the conflict. Some of the weapons may be hidden in the desert and could be sold to terrorist groups like Al-Qaida in the Islamic Maghreb, Boko Haram or other criminal organizations. They also indicated an increase in arms trade in some West African countries.

34. Officials in some of the countries visited, in particular Chad, Mauritania and the Niger, stated that they had achieved relative success in limiting the inflow of weapons into their territories as a result of stringent security measures implemented since the beginning of the Libyan crisis, including through the deployment of additional troops in strategic locations along their borders. For example, during clashes with some returning fighters, arms traffickers and Al-Qaida in the Islamic Maghreb terrorists, the army and security forces of the Niger managed to seize weapons, ammunition and explosives (Semtex) suspected to have originated from Libyan stockpiles.

35. In the case of Mali, Government representatives informed the mission that they were engaging in dialogue with armed returnees, mainly Malian Tuareg, to encourage them to surrender their weapons voluntarily.

36. All national and international interlocutors stressed the need to develop better coordinated, regional approaches to address the illegal transfer of weapons across

borders and prevent them from being used to instigate armed violence in the Sahel or bolster old rebellions in the Niger and Mali.

Terrorist threats

37. Recently there has been an increase in terrorist and criminal activities in the Sahel region. These have included abductions of Westerners for ransom and armed clashes with security forces. The potential recruitment by terrorist or criminal groups of unemployed youth and returnees in particular and the growing risk of radicalization are sources of growing concern.

38. Since 2003, 53 persons have been taken hostage by terrorist groups in the Sahel, such as the former Groupe salafiste pour la prédication et le combat and now Al-Qaida in the Islamic Maghreb. The latter has traditionally operated mostly in the northern Sahelian areas, but lately it has expanded its operations to other parts of the region, as illustrated by the kidnapping of two French citizens in Niamey in early 2011 and the recent kidnappings in the Hombori and Timbuktu regions in Mali. Some officials informed the mission representatives that there may be a certain level of cooperation in some areas between drug traffickers and members of Al-Qaida in the Islamic Maghreb, particularly with regard to illegal taxation in certain parts of Mali.

39. Notwithstanding the apparent collaboration among the various groups, officials highlighted the tension between Al-Qaida in the Islamic Maghreb and some Tuareg groups in certain areas. They referred to the announcement made by the spokesperson for the National Movement for the Liberation of the Azaouad on 19 December 2011, in which he indicated his group's intention to expel Al-Qaida in the Islamic Maghreb members from its territory. According to the spokesperson, any association with Al-Qaida in the Islamic Maghreb would tarnish his group's reputation and impede the development of its territory. He stated his group's readiness to fight Al-Qaida in the Islamic Maghreb if it were provided political and financial support.

40. Recently there has been a proliferation of terrorist groups in the region. This included the announcement by Iyad Ag Ghali, a leader of the 1991 Tuareg rebellion, of the establishment of the jihadist movement Ansar Eddin on 10 December and, on 12 December, of the establishment of the new jihadist group Mouvement unicité et jihad en Afrique de l'Ouest. The latter claimed responsibility for the kidnapping of three European aid workers in a Sahraoui refugee camp in Tindouf, Algeria, in October 2011. All national and international interlocutors stressed the need for a holistic and regional approach to combat terrorism in the face of the extreme mobility of Al-Qaida in the Islamic Maghreb across the region.

41. During a convoy interception operation in the Niger, important quantities of Semtex explosives (645 kg) and 445 detonators were seized, and the authorities of the Niger alleged that the explosives were meant for Al-Qaida in the Islamic Maghreb camps in northern Mali. This seizure may indicate that terrorist groups have been acquiring arms, weapons and explosives from Libyan military stockpiles.

42. The mission representatives were informed that Boko Haram, which claimed responsibility for the terrorist attack, inter alia, against United Nations House in Abuja on 26 August 2011, was also mentioned as a threat to the region. Its presence was mentioned as a source of concern by most countries in the region. In the Niger,

for example, the radicalization of youth was a particular concern in the south, where interlocutors said that Boko Haram was already active in spreading its ideology and propaganda and, in some cases, had succeeded in closing down public schools. The mission representatives were also informed that Boko Haram had established links with Al-Qaida in the Islamic Maghreb and that some of its members from Nigeria and Chad had received training in Al-Qaida in the Islamic Maghreb camps in Mali during the summer of 2011. Although Boko Haram has concentrated its terrorist acts inside Nigeria, seven of its members were arrested while transiting through the Niger to Mali, in possession of documentation on manufacturing of explosives, propaganda leaflets and names and contact details of members of Al-Qaida in the Islamic Maghreb they were allegedly planning to meet. Whereas Nigerian authorities viewed the group as a national threat without any links to Al-Qaida in the Islamic Maghreb, it has become a growing source of concern for the countries of the region.

Transnational organized crime, including illicit drug trafficking

43. The Sahara-Sahel strip has long been an area where illicit trafficking has thrived, with Mali, Mauritania and the Niger at the centre of its major routes. The recent appearance of drugs among the items smuggled and trafficked has become a reason for increased concern, in view of its destabilizing effects on the region. The increased flow of weapons in the region is also believed to further fuel the activities of organized crime and terrorist groups. According to some interlocutors in Mali, crimes such as car theft and armed attacks have increased in the northern part of the country as a consequence of the availability of arms.

Border management and cooperation

44. The level of protection and control of the borders varies widely in the region. The mission was informed by Chadian and Mauritanian authorities that their borders had been reinforced even before the beginning of the Libyan crisis and that special military units were dispatched to track the movements of suspect persons and groups. In Mali and the Niger, the authorities appealed to the international community for assistance in protecting and securing their borders. Many officials stated that they did not possess the means to trace weapons in circulation, whether destined for their country or in transit. They expressed concern that important quantities of weapons could be hidden in their territory, and requested assistance for their identification and collection. They also expressed concern at the lack of protection of their borders by the Libyan authorities.

45. Some border areas, particularly between Chad and Libya, were laden with mines, in particular the Tibesti area in Chad, and many of their tracks are not well known, which represents a substantial danger. The Government of Chad has requested assistance for their removal.

46. While issues relating to border security are not specifically integrated into national strategies, the mission was informed that the border authorities of most countries lacked human capacity and modern logistical capabilities. Appropriate infrastructures, such as detection equipment and scanners, do not exist, and intelligence techniques for combating fraud are not used. The customs administrations of the region are not equipped with national databases of offences and seizures. In that regard, the mission was informed that a large number of

returnees came without proper identification. There are also difficulties with the control of the massive and frequent movement of cross-border workers, who often do not possess identification documents.

47. Coordinated patrols with neighbouring counterparts constitute a good practice, and the participants were informed of a degree of practical cooperation in this regard. However, such initiatives are limited. The principle of "hot pursuit", which allows the security forces of a country to cross international borders in pursuit of suspected terrorists, was mentioned by several interlocutors, but its application varies and it is not always based on bilateral agreements. It also remains essential to address the sense of abandonment felt by the population closer to border areas, who often regard themselves as forgotten outcasts. The authorities requested support in establishing border posts and promoting development programmes in those regions, including for the construction of schools and medical facilities. Furthermore, State institutions, including local community policing programmes, are absent from border areas.

Police and judicial cooperation

48. During discussions with police and security services of the countries visited, participants noted the lack of national coordination and liaison mechanisms for combating transnational organized crime and terrorism. Without such mechanisms, it will be particularly challenging for the countries of the region to adequately address the impact of the Libyan crisis, including the increase of armed violence. Further, the mission visited a specialized judicial police unit in the Niger, which aims to prevent and combat terrorism and reports to the General Director of the National Police. This service is a very good example for implementing regional and international police and judicial cooperation. Similar judicial police departments are also to be established in Mali and Mauritania. Such judicial police units work under the authority of specialized counter-terrorism prosecutors and can fully cooperate at the regional and international levels, including with INTERPOL, under the mechanism of judicial cooperation and the rule of law.

49. The judicial approach to counter-terrorism is an essential element of regional and international cooperation. During its talks with officials, the mission recalled the positions of the United Nations and the African Union on the prevention and the combating of terrorism and the necessity to uphold the highest standards of respect for the principles of human rights and the rule of law. Moreover, West Africa has established two mechanisms for cooperation on policing matters: the West African Police Chiefs Committee and the ECOWAS Committee of Chiefs of Security Services. However, membership in these mechanisms is limited to ECOWAS States and it is not extended to some States of the Sahel region, including Algeria, Chad and Mauritania. Certain States have also signed bilateral agreements on police cooperation in order to fight transnational organized crime.

50. Officials from the Ministries of Justice in Mali stressed the need to strengthen regional judicial cooperation. This could be achieved through the framework of the regional judicial platform for Sahel countries, which is being developed between Burkina Faso, Mali, Mauritania and the Niger, with the support of UNODC. Since the legal framework for international cooperation on criminal matters is already in place, technical assistance should focus on capacity-building. In that regard, the mission noted that most of the problems are structural and profoundly interrelated,

and need to be addressed through a comprehensive approach, while respecting the balance between actions aimed at reinforcing security and those directed at promoting socio-economic development.

51. As the countries of the region do not extradite their nationals, the mission noted that States should ratify and incorporate the relevant international counter-terrorism instruments into their respective national laws. Moreover the principle *aut dedere aut judicare* (extradite or prosecute) should be applied, especially in relation to terrorist and other serious crimes, in accordance with the relevant international instruments, in particular Security Council resolution 1373 (2001), which requires States to ensure that all persons charged with terrorist offences are brought to justice. In that regard, some counter-terrorism and counter-transnational organized crime instruments could also serve as a basis of judicial cooperation.

Current responses and existing mechanisms

52. The countries of the Sahel region have established a number of national and regional programmes and mechanisms to address security concerns in the region.

National responses

53. In Mali, the presidency developed in 2011 an emergency programme to specifically address the situation in its northern regions. The Programme spécial pour la paix, la sécurité et le développement au nord is comprised of security and development pillars. It aims to provide concrete assistance in terms of improving infrastructure and public services in the northern impoverished and isolated areas. It also aims to establish a permanent military and security presence. The initiative is being implemented with financial support from international partners. Some concerns have been expressed, however, regarding the lack of involvement and dialogue with local communities in its implementation and management-related problems. Concerns were also expressed about the programme's emphasis on security.

54. The Ministry of Internal Security and Civilian Protection, in cooperation with UNDP, has also launched an initiative on democratic governance of security and peace, the Programme pour une gouvernance partagée de la sécurité et de la paix au Mali, which seeks to address the relationship between security, development and governance in Mali by encouraging dialogue with local communities. The initiative is being implemented as part of the national security policy, which was adopted in October 2010. Criticism has been expressed that the two programmes have not been coordinated.

55. Further, reinforcement of the dialogue and engagement between the Government of Mali and the Tuareg communities in northern Mali, as well as among different Tuareg communities, has been considered as critical to ensure effective implementation of the national programmes and effective restoration of State authority in the north.

56. Several countries in the Sahel region, including Mali and Mauritania, have developed national integrated programmes to address transnational organized crimes and combat money-laundering and the financing of terror groups. In this regard, the Government of the Niger has strengthened several institutions, such as the High Authority for Peace Consolidation, the National Commission for the Control and

Collection of Illicit Arms and the Counter-Terrorist Judicial Police Unit of the Ministry of the Interior. In addition, it established an ad hoc committee in the office of the Prime Minister.

Regional responses

57. At the regional level, the countries of the Sahel established a regional judicial platform, which institutionalized judicial cooperation in the region. The platform currently includes Burkina Faso, Mali, Mauritania and the Niger, with the possibility of other Sahel countries joining the initiative. At the subregional level, counter-terrorism efforts are being addressed through a joint strategy developed by Algeria, Mali, Mauritania and the Niger. Burkina Faso, Chad and Nigeria will be invited to attend the next meetings and could possibly join the four countries in the near future. The strategy sets out arrangements and principles of subregional cooperation for security and development at four levels: regular political consultations, military cooperation (Committee of Joint Chiefs); intelligence cooperation (Unité de fusion et liaison); and economic cooperation. Counter-terrorism actions cannot be limited to military action alone; police action is also necessary. The possibility of setting up a trans-Saharan office for regional cooperation on policing matters, within the framework of the Committee of Joint Chiefs, was mentioned by the national interlocutors of the countries visited.

58. In 2008, the African Ministers of Justice adopted, in Rabat, the Convention on Exploitation and Mutual Legal Assistance in Counter-terrorism, which has yet to be ratified. The African Union is also considering the possibility of introducing a continental-wide arrest warrant and the adoption of an African convention on mutual legal assistance and extradition.

59. ECOWAS developed the ECOWAS small arms programme to tackle small arms and light weapons proliferation across its member States. However, it was criticized and deemed ineffective and is expected to phase out by the end of 2011. Meanwhile, the ECOWAS regional plan of action to address illicit drug trafficking, organized crime and drug abuse (2008-2011) constitutes a relevant tool, but its implementation has been limited to West Africa.

60. Moreover, the African Union has adopted some instruments for the prevention and the combating of terrorism. Some of these instruments, ratified by the concerned countries, such as the Anti-Terrorism Model Law, provide a proper legal framework on which existing cooperation could be enhanced. In addition, the African Centre for the Study and Research on Terrorism provides a forum for interaction, cooperation and information exchange among Member States and the regional mechanisms. This is accomplished through its network of national and regional focal points (Continental Counter-Terrorism Early Warning System), which all countries visited by the mission belong to. It has also taken steps to provide technical assistance to Member States by developing technical expertise in a number of counter-terrorism areas, through technical training courses and seminars. Furthermore, the African Union was reportedly studying the possibility of introducing an African arrest warrant. The mission was also informed that the African Union is considering the possibility of adopting an African convention on mutual legal assistance and extradition.

61. The Détachement intégré de sécurité in Chad is a security body composed of a mix of military and police personnel, which was created initially under the United

Nations Mission in the Central African Republic and Chad in order to help ensure security in the areas of humanitarian operations deprived of State structures. This instrument is still operating through a joint UNDP/United Nations High Commissioner for Refugees programme and needs sustained donor support.

62. The international community has established the Global Counterterrorism Forum on the Sahel (Sahel working group), co-chaired by Algeria and Canada, and will develop technical assistance programmes for the countries of the region.

Recommendations

63. Following are recommendations for immediate action.

(a) National level

(i) National actors, with the support of the United Nations and the wider international community, when necessary, should:

- Establish adequate mechanisms to control and secure national borders across the Sahel zone, including the transfer of small arms and light weapons, and implement national programmes to collect and destroy illegal small arms and light weapons;
- Implement all legal and administrative measures to combat terrorism and organized crime in accordance with Security Council resolution 1373 (2001) and relevant regional, continental and international instruments; these measures should also comply with existing international human rights and refugee and humanitarian law;

(ii) The International Community should:

- Support the efforts of Governments against transnational organized crime and terrorism syndicates through capacity-building and financial assistance (bilateral or multilateral) to relevant institutions. The United Nations and the African Union should identify areas of cooperation and deploy their experts as soon as possible;

(iii) National actors, with the support of the United Nations and the wider international community, when necessary, should:

- Encourage the development of comprehensive national strategies, including the establishment of fusion centres, based on their established national focal points, with a view to facilitating exchange of information, coordination and joint operations;
- Encourage the development and the implementation of holistic national strategies to combat terrorism, including addressing the grievances of the populations and supporting the implementation of the United Nations Global Counter-terrorism Strategy (2006);

(iv) All States:

- Should ensure the protection of migrants and third country nationals residing in or passing through their territory;

(b) Regional level

(i) Regional and subregional mechanisms should:

- Encourage cooperation, implementation and strengthening of existing regional security strategies and mechanisms, including with Libyan authorities; enhance the management of the impact of the Libyan crisis by expanding regional cooperation to include all affected countries throughout the region;
- Ensure that the application of the hot pursuit principle is based on bilateral agreements;
- Encourage operational efforts to enhance the effectiveness of the fight against terrorism; strengthen border control, including capacity-building and logistical upgrades;
- Encourage the exchange of security information, in particular in relation to the seizures of weapons, through existing information exchange systems such as the African Centre for the Study and Research on Terrorism (African Union), Unité de fusion et liaison, the INTERPOL National Central Bureau, the Counter-Terrorism Committee Executive Directorate and the United Nations Panel of Experts on Libya;

(ii) The African Union Commission should:

- Continue to follow up and assist Member States in the implementation of the decisions of the African Union Council and other organs and relevant United Nations resolutions; and encourage collaborative efforts with relevant United Nations bodies and agencies, in particular the Counter-Terrorism Committee and its Executive Directorate, the Counter-Terrorism Implementation Task Force and UNODC;

(c) International level

(i) The United Nations and bilateral and multilateral partners should:

- Support efforts for inter-community and inter-religious dialogue and understanding, in accordance with the United Nations Global Counter-terrorism Strategy (2006) and more specifically Security Council resolution 1624 (2005);
- Support initiatives aimed at strengthening dialogue and increasing the resilience of local communities to resist and counter the appeal of terrorism and the recruitment of youth by terrorist and other criminal groups, including through support for youth employment and educational training;
- Continue to support and strengthen the capacity of States to protect their borders and for the removal of landmines;

(ii) The United Nations should, on an urgent basis:

- Strengthen its security capacity and presence on the ground;
- Support and strengthen the initiative of the Global Counter-terrorism Forum Sahel working group;

- Encourage the exchange of relevant information and analysis between the United Nations and the African Union, with a view to enhancing early-warning capacity;

- Encourage States to incorporate into domestic law the provisions of the relevant counter-terrorism instruments and the principle of *aut dedere aut judicare* (extradite or prosecute), especially in relation to terrorist and other serious crimes, in accordance with the relevant international instruments and in particular Security Council resolution 1373 (2001), which requires States to ensure that all persons charged with terrorist offences are brought to justice;

(iii) The United Nations and the African Union Commission:

- Should pursue efforts for resource mobilization for the socio-economic reintegration of the African migrant workers into their communities, including the organization of a pledging conference; and urge the Libyan authorities to ensure the safety and the security of the African migrant workers.

VII. Concluding observations

64. As a result of the crisis, millions of economic migrants, especially from Chad, Mali, Mauritania and the Niger and other African countries, were forced to flee Libya and return to the communities that they had left in search of better living conditions. Over night, the Governments of the region had to contend with the impact of the crisis on an already challenging humanitarian, development and security situation. This included the influx of returnees, the smuggling of weapons from the Libyan stockpiles, terrorist activities, youth unemployment, drug and human trafficking and a surge in criminality. The region also faces an impending food and nutrition crisis.

65. The leaders in the region welcomed and commended as timely the initiative of the Secretary-General to deploy the mission. The symbolism of the United Nations acting with the African Union was widely appreciated and encouraged. The mission found, particularly among the civil and political leaders in the region, a remarkable openness to engage on the challenges confronting them. Some countries have demonstrated political will at the highest level to address the situation and have committed significant resources towards that end.

66. The mission noted that there was great appreciation for the sustained multilateral efforts by the United Nations country teams in all of the countries visited. Similarly, several initiatives were undertaken by the Governments of the affected countries, as well as by the United Nations system, the African Union, the European Union, ECOWAS, IOM and other bilateral and multilateral stakeholders to address these issues. Further, there were strong calls for the United Nations to support such ongoing initiatives, and to consider practical and concrete ways of strengthening these efforts, with greater coherence and coordination at all levels. This would ensure that the fallout of the Libyan conflict would not exacerbate pre-existing tensions and thereby further degrade the security and socio-economic problems in the region.

67. The mission noted the determination of the respective Governments to address these challenges, in particular the transnational threat posed by Al-Qaida in the Islamic Maghreb, Boko Haram and other criminal groups and the proliferation of

weapons. It was clear, however, that their national and regional capacities varied and were limited overall. As such, the mission concluded that most countries could not address these threats in isolation. Although regional mechanisms had been established to address these problems, they lacked the means to adequately implement their tasks. Nevertheless, the leaders of the region stressed the need for homegrown and regional solutions to the problems with the support of the international community.

68. The mission concluded that any immediate or long-term strategy to mitigate the impact of the Libyan crisis should take into account the root causes of the problems in the region. As such, the main recommendations of the mission fall into four categories:

(a) At the national level, support capacity-building for ongoing initiatives by Governments to address the immediate crises in the Sahel region; and support for efforts of the United Nations country teams, especially in building better coherence for the implementation of humanitarian and development programmes;

(b) At the regional level, ensure that support is given to the strengthening of existing regional mechanisms, through a process of capacity-building and enhanced coordination arrangements. Issues such as the control of borders and information-sharing on cross-border activities, such as the smuggling of weapons and substances and human trafficking, should be pursued as a matter of priority;

(c) At the international level, the United Nations should spearhead a programme for the mobilization of greater international support for the Sahel region to address the challenges of human insecurity and underdevelopment. These were identified as areas where a comprehensive programme of engagement by the international community, including quick-impact projects, would help in addressing issues such as youth unemployment and short- and long-term issues pertaining to food insecurity, nutrition and other sources of vulnerability;

(d) In addition, an overarching mechanism or framework that would bring together all the affected countries together in a coordinated manner to discuss and proffer solutions was recommended. In spite of the different regional memberships (Nigeria and the Niger belong to ECOWAS, Chad is a member of ECCAS, Mauritania is not a member of ECOWAS and Algeria is in the Arab-Maghreb zone), all the countries are willing to work in a more coordinated manner. Moreover, none of the existing United Nations presences in the region, UNOWA, UNOCA and UNSMIL, have an overarching mandate that covers the vast region of the Sahel. It is, however, important that they to be part of any future initiative on the Sahel.

69. The mission would like to express its profound appreciation to all the Governments and leaders of the region, who gave of their time and provided insights into the implementation of its mandate. The members were also grateful for the support extended to all participants by Special Representative of the Secretary-General Saïd Djinnit and UNOWA colleagues, as well as United Nations resident coordinators and the respective United Nations country teams in Chad, Mali, Mauritania, the Niger and Nigeria. Their generous and collegial assistance, especially in the four Sahelian States, contributed immensely to the smooth conduct of the work of the mission. The mission participants extend their gratitude to the ECOWAS Commission.

70. Finally, the members of the inter-agency assessment mission are grateful to the Secretary-General and to the Chairperson of the African Union Commission for affording them the opportunity to participate in the mission. They strongly appeal to the leaders of the United Nations, the African Union and ECOWAS to move urgently to lead the efforts to mobilize international support for the implementation of the recommendations in this report.

Annex I

List of participants

Sam Bassey Ibok, Deputy Director, Africa II Division, Department of Political Affairs, Head of delegation

Ambassador Ki Doulaye Corentin, Head of the African Union Liaison Office in N'Djamena, Chad

Danilson Lopes da Rosa, Political Affairs Officer, Africa II Division, Department of Political Affairs

Kasper Ege, Associate Political Affairs Officer, Counter-Terrorism Implementation Task Force

Jean-Philippe Morange, Legal Officer, Counter-Terrorism Committee Executive Directorate

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Ely Dieng, Senior Policy Adviser, Security Sector Reform Unit, Peacebuilding Support Office

Alfred Nabeta, Humanitarian Affairs Officer, Africa II Division, Coordination and Response Section, Office for the Coordination of Humanitarian Affairs

Rudolfo Jocondo Kazimiro, Head of Regional Office, Office for the Coordination of Humanitarian Affairs, Dakar

Max Schott, Humanitarian Affairs Officer, Office for the Coordination of Humanitarian Affairs, Regional Office, Dakar

Jahal Rabesahala de Meritens, Global Coordinator, Cluster Working Group on Early Recovery, Bureau for Crisis Prevention and Recovery, United Nations Development Programme, Geneva

Alexandre Schmidt, Regional Representative for West and Central Africa, United Nations Office on Drugs and Crime, Dakar

Damine Rey, Terrorism Prevention Expert, United Nations Office on Drugs and Crime, Dakar

Dah Khattar, Programme Coordinator, United Nations Office on Drugs and Crime, Nouakchott

Nicolas Guinard, Security Sector Reform Adviser, Head of Security Sector Reform Section, United Nations Office for West Africa, Dakar

Francesc Revuelto-Lanao, Political Affairs Officer, United Nations Support Mission in Libya

Igor Cvetkovski, Transition and Recovery Expert, Department of Operations and Emergencies, International Organization for Migration, Geneva

Lakhdar Idriss Mounir Lallali, Head of the Alert and Prevention Unit, African Centre for the Study and Research on Terrorism, Algiers

Annex II

Itinerary and list of interlocutors

Mali (8-11 December 2011)

National interlocutors

President of the Republic of Mali

Prime Minister

Minister for Foreign Affairs

Finance Minister

Budget Minister

Minister of Land and Local Administration

Minister of Internal Security and Civil Protection

International interlocutors

Representatives of Brazil, China, India, Russia, South Africa

Representatives of Belgium, Denmark, European Union, France, Luxemburg, Netherlands, Spain, Sweden

Representatives of Japan, Norway, Switzerland

Representatives of the United States of America

Representatives of Algeria, Burkina Faso, Chad, Guinea, Libya, Mauritania, the Niger, Senegal, Tunisia

United Nations country team

Food and Agriculture Organization of the United Nations (FAO), IOM, Joint United Nations Programme on HIV/AIDS (UNAIDS), UNDP, Department of Safety and Security of the United Nations Secretariat, United Nations Population Fund (UNFPA), United Nations High Commissioner for Refugees (UNHCR), UNICEF, Office for the Coordination of Humanitarian Affairs, World Food Programme (WFP), World Health Organization (WHO)

Civil society

Civil society organizations and representatives of communities in the north of Mali

Niger (12-14 December 2011)

National interlocutors

Minister of Justice

Minister of the Interior

Secretary-General of the Ministry of Planning

Under-Secretary-General of the Defence Ministry

General Director of Documentation and National Security

Deputy to the Chief of Cabinet of the Prime Minister

Representatives of technical ministries

High Authority for Peace Consolidation

National Commission for the Control and Collection of Illicit Arms

International interlocutors

Representatives of Algeria, Chad, China, France, Mali, Mauritania, the United States of America, United States Agency for International Development, European Union

Representatives of Oxfam International, International Committee of the Red Cross, Médecins Sans Frontières

United Nations country team

FAO, IOM, UNAIDS, UNDP, Department of Safety and Security of the United Nations Secretariat, UNFPA, UNHCR, UNICEF, Office for the Coordination of Humanitarian Affairs, WFP, WHO

Chad (15-17 December 2011)

National interlocutors

Prime Minister

Minister for Foreign Affairs

Minister for Human Rights

Minister of Territorial Administration

Minister of Security

Inter-Ministerial Committee

International interlocutors

Representatives of Germany, France, Russian Federation and the United States of America

United Nations country team

FAO, IOM, UNAIDS, UNDP, Department of Safety and Security of the United Nations Secretariat, UNFPA, UNHCR, UNICEF, Office for the Coordination of Humanitarian Affairs, WFP, WHO

Mauritania (18-19 December 2011)

National interlocutors

Prime Minister

Minister for Foreign Affairs

Minister of the Interior

Minister of Economy and Development

Minister and Commissioner for Human Rights

President of the Senate

President of the National Assembly

Chief of Staff of the Army

International interlocutors

Representatives of Germany, European Union, France, the Gambia, Japan, Russian Federation, Senegal, Spain, United States of America

United Nations country team

FAO, UNDP, Department of Safety and Security of the United Nations Secretariat, UNFPA, UNHCR, UNICEF, Office for the Coordination of Humanitarian Affairs, WFP, WHO

Nigeria (20 December 2011)

National interlocutors

Minister of Defence

Regional interlocutors

Commissioner for Human Development and Gender, ECOWAS

Commissioner for Political Affairs, Peace and Security, ECOWAS

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Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 20 September 2011 to 6 January 2012)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1969 (2011), by which the Council extended the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) until 26 February 2012. It covers major developments in Timor-Leste and the implementation of the Mission's mandate since 20 September 2011. My Special Representative, Ameerah Haq, continued to lead the Mission and coordinate with United Nations system actors and other stakeholders. She was assisted by my Deputy Special Representative for Governance Support, Development and Humanitarian Coordination, Finn Reske-Nielsen, and by my Deputy Special Representative for Security Sector Support and Rule of Law, Shigeru Mochida. UNMIT continued its "one United Nations system" approach, consistent with its integrated strategic framework.

II. Political and security developments since 20 September 2011

2. The overall situation in Timor-Leste remained calm. Political parties continued their preparations for the 2012 presidential and parliamentary elections, with several parties holding national congresses, including the Partido Democrático (PD), the second largest party in the Alliance for a Parliamentary Majority (AMP) Government and the third largest party in Parliament. Party leaders continued to call for security and stability during the electoral period. In his speech on 28 November, the thirty-sixth anniversary of the Timor-Leste Declaration of Independence, the President of Timor-Leste, José Ramos-Horta, commended all Timorese for contributing to a positive atmosphere of peace and hope. As a follow-up to the dialogue among national leaders co-hosted by President Ramos-Horta and by the Bishop of Baucau on 26 July (see S/2011/641, para. 11), another meeting is planned to be held prior to the elections.

3. On 6 October, President Ramos-Horta hosted a ceremony in Dili to mark the handover of functions from the outgoing Commander of the Timorese armed forces (Falintil-Forças Armadas de Defesa de Timor-Leste (F-FDTL)), Taur Matan Ruak, who resigned on 1 September 2011, to his successor, Major-General Lere Anan Timur.

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4. Parliament continued to serve as a critical forum for debate. On 25 November, after 13 days of debate, it approved the 2012 State budget; totalling $1.67 billion, up from $1.3 billion in 2011, it is Timor-Leste's largest-ever budget. The Prime Minister, Kay Rala Xanana Gusmão, and other members of Government were present throughout the debate, which was broadcast live on national radio and television. The rejection of the Government's proposed allocation of $200 million to the Timor-Leste Investment Company, with votes from both Government and opposition parties, exemplified Parliament's increased assertiveness in its oversight role, and reflected Members' concerns about the perceived lack of transparency and parliamentary supervision in the execution of the project.

5. Despite the general calm that prevailed during the reporting period, a number of violent incidents involving martial arts groups occurred, which gave rise to public concerns about overall security, including a fight between two rival martial arts groups in Dili on 19 December that resulted in one person's death and another seriously wounded (see para. 18 below). In response to this and other incidents, on 22 December the Council of Ministers adopted a resolution which prohibits and criminalizes the activities of martial arts groups for one year and also bans certain gambling activities for an indefinite period. The resolution further requires that any member of the Polícia Nacional de Timor-Leste (PNTL) or of F-FDTL found to be involved in such activities be subject to disciplinary measures, including dismissal from their respective institutions, pursuant to the applicable laws.

6. Timor-Leste continued its active engagement in several initiatives as a bilateral and regional partner, as well as its cooperative relations with Indonesia. The Chairman of the National Electoral Commission led a delegation at the first four-day forum of Association of Southeast Asian Nations (ASEAN) electoral management bodies, held in Jakarta from 3 to 6 October, at which participants discussed the possibility of sending an ASEAN observer mission to the 2012 elections in Timor-Leste. Timor-Leste's formal application for ASEAN membership was discussed at the nineteenth ASEAN Summit, held in Bali on 17 November, which resulted in the establishment of an ASEAN Coordinating Council Working Group to review the application. The President of Indonesia, Susilo Bambang Yudhoyono, who chaired the Summit, publicly reiterated his country's full support for the membership of Timor-Leste. In my opening remarks to the fourth ASEAN-United Nations Summit, held in Bali on 19 November, I also expressed support for the membership of Timor-Leste in ASEAN.

A. Support for dialogue and reconciliation

7. My Special Representative continued her good offices through regular meetings with the President, the Prime Minister, the President of Parliament and the Secretary-General of the Frente Revolucionária do Timor-Leste Independente (Fretilin). Among the main issues discussed were the transition process, election preparations, and support for the further institutional strengthening of PNTL. She also continued hosting meetings with representatives of all political parties, women political party representatives and representatives of civil society. Participants, including those from smaller parties not represented in Parliament, continued to view those meetings as an opportunity to interact with other parties and the United Nations. My Deputy Special Representative for Governance Support, Development and Humanitarian Coordination continued to have regular meetings with the Deputy

Prime Minister to discuss issues relating to governance and development, including United Nations electoral support. My Deputy Special Representative for Security Sector Support and the Rule of Law continued to meet with the Secretaries of State for Security and for Defence to discuss policing and broader security sector issues, including UNMIT support for further capacity-building of PNTL.

8. Efforts continued to enhance women's participation in political and electoral processes. On 22 September in Dili, the Secretary of State for the Promotion of Equality held a meeting with women representatives of political parties to discuss preparations for the 2012 elections. At a follow-on meeting on 22 November, women representatives from 15 out of 23 political parties signed the Women's Political Platform for the parliamentary elections in 2012, prepared by the women's wings of political parties at the initiative of the Secretary of State for the Promotion of Equality, with an additional five parties having signed as at 28 December. On 5 and 6 December, a steering committee composed of Members of Parliament as well as representatives of the Secretariat of State for the Promotion of Equality, the electoral management bodies, civil society, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Development Programme (UNDP) and UNMIT, organized a national conference on the theme "Women's leadership leads us to peace and stability". The conference resulted in the adoption of a strategic framework for enhancing women's leadership and participation in the 2012 elections, including 14 action points for the Government, political parties and civil society.

9. To increase youth interest and participation in political processes, in November the Secretary of State for Youth and Sports, with assistance from the United Nations Children's Fund (UNICEF), finalized the Youth Parliament Strategic Framework for the period 2012-2015, to be discussed and adopted by the Council of Ministers in early 2012.

B. Enhancing democratic governance

10. On 28 December, the National Electoral Commission approved subsidiary legislation for the 2012 elections drafted by the Technical Secretariat for Electoral Administration. The legislation comprises regulations on the electoral campaign, voting, counting and tabulation procedures, as well as the nomination of candidates for the presidential and parliamentary elections. It also includes codes of conduct for candidates, party and candidate agents, the media, national and international observers, and political parties and coalitions. Further, on 5 January, Parliament adopted amendments to the laws on the election of the National Parliament and the election of the President of the Republic, which rule out overseas voting in the 2012 elections; both amendments had been approved by the Council of Ministers on 28 December 2011. The preceding measures complete the legal framework for the elections. Voter registration, which began on 1 July, was originally scheduled to end on 15 December, but an additional registration period was opened from 3 to 11 January. The final voters' roll is expected to be completed by the end of January.

11. The Mission deployed 62 United Nations Volunteers to all 13 districts to support the national electoral management bodies, and the recruitment of an additional 68 United Nations Volunteers is ongoing. The electoral management

bodies, with continued support from UNMIT, UNDP, UN-Women and UNICEF, led voter and civic education efforts targeting women and youth, and first-time voters.

12. In 2011, the Anti-Corruption Commission opened 22 investigations against public officials, 8 of which have been completed and submitted to the Office of the Prosecutor-General for further legal action, including 1 during the reporting period. The Commission, with support from UNMIT, continued to conduct the self-assessment by Timor-Leste of its compliance with the United Nations Convention against Corruption. On 20 October, the Commission published a report on the private use of Government vehicles and fuel, estimating that such use increased Government fuel costs by 33 per cent. In his speech on the occasion of Anti-Corruption Day on 9 December, President Ramos-Horta warned against the negative impact on the economy of the misuse of the country's limited oil revenues, while my Special Representative called upon the national institutions to be bold in their fight against corruption and send a strong signal that it would not be tolerated. On 12 December, Parliament approved the Law on Preventing and Combating Money-Laundering and Financing of Terrorism, which was signed by the President on 15 December.

13. With support from UNMIT, democratic governance forums were organized in 13 villages between 13 October and 24 November. Over 1,000 people participated in discussions with community leaders and Government officials on issues of local concern, including local development and land disputes. On 6 December in Dili, UNMIT facilitated the last democratic governance forum at the national level for 2011 on the topic "Food security in Timor-Leste", at which the 75 participants engaged in discussions with Government and representatives of non-governmental organizations.

14. The Association of Journalists in Timor-Leste held its second congress in Dili on 15 and 16 October, with support from the United Nations Educational, Scientific and Cultural Organization (UNESCO). During September and October, UNMIT provided in-house training to five media officers from the Office of the President in the areas of radio and video production, as well as photography, as part of a capacity-building agreement between the two entities.

15. Progress continued towards achieving the benchmarks of the medium-term strategy (see S/2009/72, para. 47) relating to a culture of democratic governance and dialogue. The promulgation of the Law on Preventing and Combating Money-Laundering and Financing of Terrorism is expected to help to promote transparency and anti-corruption efforts. Meanwhile, public debate continued, including in Parliament and the media, on the need to combat corruption. In view of the growing State budget and public spending, the implementation of the law establishing the Audit Chamber of the High Administrative Tax and Audit Court, approved by Parliament on 6 July (see S/2011/641, para. 17), is crucial. In this context, it is encouraging that the designated staff for the Chamber is currently undergoing training in Portugal.

C. Maintenance of public security

16. The security situation in the country remained stable, with the reported crime rate remaining low after the resumption by PNTL of policing responsibilities on 27 March 2011 (see S/2011/641, para. 8). Pursuant to the exchange of letters between

the Government and UNMIT (ibid.) and a standing request from the PNTL General Commander, UNMIT police continued to provide operational support to PNTL in several areas, including close protection, joint patrols and border policing. On some occasions, F-FDTL military police were also deployed in operations related to internal security incidents.

17. Offences relating to assault, domestic and gender-based violence continued to constitute the majority of reported crimes. Separately, of concern are a number of incidents involving PNTL officers, the most serious being a fatal shooting of a young woman allegedly by two off-duty PNTL members in Bobonaro District on 5 November. PNTL arrested the officers, who remain in pretrial detention while undergoing criminal investigations and PNTL disciplinary procedures.

18. Violent incidents involving martial arts groups prompted the 22 December decision by the Government to suspend their activities for one year (see para. 5 above). In response to reports that PNTL members were involved in fights between martial arts groups, the Council of Ministers further decided that any PNTL or F-FDTL members found to be involved in such incidents would be subject to disciplinary measures, including dismissal from their respective institutions, pursuant to the organic laws and disciplinary statutes of those institutions. Meanwhile, PNTL, with UNMIT police support, has begun to investigate the incidents, including the alleged involvement of PNTL officers, with one officer suspended as at 23 December.

19. UNMIT police continued to conduct joint patrols with and provide support and advice to the Border Patrol Unit of PNTL at the five border-crossing points with Indonesia. UNMIT military liaison officers continued to facilitate effective working relationships between the border security agencies of Timor-Leste and Indonesia and to monitor the security situation along the border area, with a focus on the three remaining unresolved segments of the land border. UNMIT military liaison officers further continued to monitor security throughout Timor-Leste, and to liaise closely with the international security forces.

20. Following a planned reduction, as at 6 January, 1,197 officers, including 93 women, were deployed as part of the UNMIT police, 489 of them in formed police units. Of the latter, 284 officers were deployed in Dili.

D. Support for and institutional strengthening of the security institutions

21. Since my previous report, UNMIT police continued to focus on the implementation of the PNTL-UNMIT Police Joint Development Plan signed on 23 February (see S/2011/641, para. 26), while maintaining a capacity to provide operational support if required and requested (see S/2011/32, para. 60). As noted in my previous report (see S/2011/641, para. 27), the Joint Development Plan focuses on five priority areas for UNMIT police capacity-building support: legislation, training, administration, discipline and operations. As at 6 January, UNMIT police completed 175 (30 per cent) of the 576 training and capacity-building activities outlined in the Plan. They included on-the-job training, workshops and 182 training courses, attended by a total of 1,524 PNTL officers (273 of them women) in the areas of legislation, discipline, administration, human rights, gender awareness, domestic violence law, petty cash management, forensics, arrest procedures, public

order management and intelligence-gathering. Among other initiatives, UNMIT police provided 57 specialized courses on close protection, supervision, map reading, armoury management and basic forensics, attended by a total of 746 PNTL officers (66 of them women). Those initiatives also included a training meeting held on 6 January between PNTL, F-FDTL, UNMIT police and the Military Liaison Group, and international security forces to discuss operational planning, emergency response planning, incident control and command systems in preparation for future desktop exercises on election security. UNMIT police also produced a legislative compendium (in Portuguese, Tetum and English) for PNTL.

22. In order to improve its administrative structures and managerial systems, PNTL established high-level working groups, including UNMIT police representatives, to review legislative and administrative policies and procedures, and develop a human resources database. Further, PNTL and UNMIT police continued to implement a joint programme on strengthening police capacity in Timor-Leste, which is funded by UNDP and aims at supporting the implementation of the Joint Development Plan (see S/2011/641, para. 27). Within that framework, PNTL and UNMIT police have improved police infrastructure (warehouses, vehicle repair workshops, vulnerable persons units, detention centres and duty officer rooms), organized training courses (election preparations, internal audit and discipline) and supported the finalization of the PNTL promotions regime. The UNMIT police also created the electronic supervision monitoring, advising, assisting, reporting, and training (e-SMAART) system, to track overall performance and identify areas for improvement in the operations of both UNMIT police and PNTL. In preparation for the 2012 elections, which are expected to test the PNTL capacity to maintain security, PNTL continued to focus on operational planning, with technical advice from UNMIT police. PNTL and UNMIT police further conducted a series of courses on elections preparation for all commanding officers, including a joint planning exercise on 9 December.

23. The Joint Evaluation Team, chaired by the PNTL General Commander and the UNMIT Police Commissioner, continued to meet on a monthly basis to oversee the implementation of the Joint Development Plan. Pursuant to the reconstitution phase referred to in the 26 March 2011 exchange of letters (see S/2011/641, para. 26), the Government and UNMIT agreed that any decision on the final reconstitution of PNTL should come after the elections and formation of the new Government in 2012. To assess progress following the resumption of policing responsibilities by PNTL, UNMIT completed six-month post-resumption evaluations of PNTL in Bobonaro and Covalima districts, which revealed a continued shortage of vehicles, information and communications technology equipment and office resources, as well as persistent weaknesses in such crucial areas as criminal investigations, community policing, and disciplinary accountability. To address the PNTL logistic needs, the Government increased the 2012 PNTL budget by nearly $2 million, to $19.9 million. In addition, PNTL will receive $4.1 million from the Ministry for Defence and Security (including an estimated $2.3 million for vehicle purchases and $1.79 million for information, communications and security equipment), amounting to a total PNTL budget of $24 million, representing an increase of around $6 million from 2011.

24. As at 1 January, UNMIT had selected candidates for 233 (29 of them women) of the 257 specialized adviser posts that UNMIT had identified, in collaboration with Government counterparts (see S/2011/641, para. 28), to provide training and capacity-building support in the five priority areas set out in the Joint Development Plan. Another 75 candidates have been selected to provide specialized assistance in

14 specific technical areas. In addition, 18 civilian experts (6 of them women) within the UNMIT police component continue to provide specialized advice to PNTL. However, the recruitment and retention of qualified UNMIT police advisers beyond their initial period of deployment and up until the end of the UNMIT mandate remains a recurring challenge.

25. On 21 November, PNTL, through its Superior Council, recommended the dismissal of seven PNTL officers and the suspension of an eighth officer, owing to administrative offences and financial misbehaviour. As noted in my previous report (see S/2011/641, para. 29), the Office of the Secretary of State for Security completed its review of the 199 officers with pending criminal or disciplinary issues, with criminal and/or disciplinary action recommended against 121 officers. As at 1 January, the cases were still pending referral to the Office of the Prosecutor-General or further internal disciplinary investigation.

26. Timor-Leste continues to be a leader in the Asia-Pacific region in terms of women in the police service, who currently comprise 573 of the 3,138 PNTL officers (18 per cent). UNMIT, the United Nations Population Fund (UNFPA) and UN-Women continued to provide training on gender equality and domestic violence to PNTL in the districts.

27. F-FDTL continued to strengthen its institutional and human resource capacities, with support from bilateral partners and UNMIT. In that context, F-FDTL began training three military disciplinary officers to strengthen implementation of internal disciplinary procedures. UNMIT military liaison officers continued to provide mentoring to F-FDTL officers in preparation for the deployment of the latter to the border districts as liaison officers, and to implement capacity-building initiatives to prepare F-FDTL officers for possible service in United Nations peacekeeping missions. UNMIT military liaison officers conducted a United Nations military observer mentoring course for six F-FDTL officers from 3 to 14 October, and a peacekeeping operations seminar for the land component of the F-FDTL in Baucau on 24 and 25 October. Following mentoring by UNMIT military liaison officers, the first Timorese military observer was deployed to the United Nations Mission in South Sudan, on 28 October.

E. Support for a comprehensive review of the security sector

28. The report on the comprehensive review of the security sector entitled "Securing the future" is pending resubmission by the Secretary of State for Security to the Council of Ministers for final approval. Prepared with technical support from UNMIT, the document includes a review of the legislative framework for the security sector, a threat assessment and a review of governance and security sector institutions in Timor-Leste. In the interim, the Office of the Secretary of State for Security continued to review the draft national security policy, and prepare legislation and regulations on civil protection, border management and private security companies, with technical advice and support from UNMIT.

29. Progress continued in the implementation of a security sector development project by UNMIT and UNDP aimed at strengthening the civilian oversight and management capacity within the security sector (see S/2011/641, para. 35). Within that framework, a national rescue operations centre is being established, with technical advisory support from UNMIT, and a two-month course on defence and

security was conducted from 10 October to 2 December, providing 30 staff from national security institutions with training in strategic security planning. Further, a workshop on parliamentary oversight of the intelligence services was held from 30 November to 1 December, which was attended by parliamentarians and representatives of the National Intelligence Service, the Immigration Department, F-FDTL, PNTL, civil society, the diplomatic corps and United Nations partners. The Secretariat of State for Defence and F-FDTL, with technical support from UNMIT, developed a new force development plan 2011-2017, approved by the Government on 28 October, which envisages an increase in the size of F-FDTL from 3,000 to 3,600 personnel by 2020. Meanwhile, the Secretariat continued to review the F-FDTL Organic Law to bring it in line with the new plan.

30. Some progress was made towards achieving the objectives and benchmarks of the medium-term strategy in the area of support for security sector institutions, including the completion of the F-FDTL Force Development Plan 2011-2017 (see para. 29), which includes disciplinary mechanisms. In addition, steps were taken towards establishing a civilian oversight body of the national intelligence services. However, further efforts are needed to implement the legislative and policy framework, including by finalizing the national security policy as well as the review of the F-FDTL Organic Law and adopting pending draft laws aimed at improving the accountability of the security forces.

III. Promotion of human rights and justice

A. Support for the monitoring, promotion and protection of human rights

31. During the reporting period, UNMIT received allegations of 29 cases of ill-treatment or excessive use of force by members of PNTL and 5 cases by members of F-FDTL. On 26 October, the Dili District Court sentenced a former F-FDTL member to 18 years' imprisonment for aggravated homicide in the fatal beating of an elderly woman in Dili District on 15 May (see S/2011/641, para. 37). As noted above, on 5 November, two off-duty PNTL members allegedly shot and killed a 19-year-old woman in Bobonaro District (see para. 17). The two PNTL members were arrested and remain in pretrial detention, while undergoing criminal investigations and PNTL disciplinary procedures. On 24 November, in Dili District Court, the trial began of a PNTL officer in relation to a shooting incident on 28 December 2009 in Dili that resulted in the death of one civilian and injury to another (see S/2011/32, para. 33). No indictment has yet been filed in the case of an alleged assault by members of the F-FDTL against a civilian in Lautem District on 27 August 2010, which resulted in his death (ibid.). Despite some efforts to ensure accountability for crimes committed by members of the security forces, internal disciplinary mechanisms within the PNTL and F-FDTL need further strengthening. In particular, it is crucial to ensure transparency and consistency in the implementation of disciplinary procedures and the enforcement of penalties applied. In that regard, new disciplinary regulations for PNTL are currently under consideration by the Government.

32. The Ministry of Social Solidarity, with support from UNICEF, conducted countrywide social mobilization campaigns on child protection, targeting community leaders, families and children. During the reporting period, the National Commission

on the Rights of the Child conducted campaigns in several districts to raise awareness on children's rights. The Ministry of Justice, in collaboration with the Ministry of Health and with support from UNICEF, established three civil registry posts at referral hospitals in Baucau, Bobonaro and Oecusse districts to increase the number of children registered at birth. Timor-Leste has had remarkable success in increasing birth registrations, with under-5 coverage increasing from 55 per cent in 2010 to an estimated 80 per cent in 2011. The draft children's code, which was presented to the Council of Ministers on 17 August 2011, is pending approval.

33. Progress continued to be slow with respect to holding accountable those responsible for crimes and serious violations of human rights during the 2006 crisis. As at 6 January, final judgements had been rendered in seven cases, while four cases had been closed. As at 6 January, at least one of the three F-FDTL members convicted of homicide and attempted homicide for the deaths by shooting of eight PNTL officers on 25 May 2006, and dismissed from F-FDTL on 27 May 2011 (see S/2011/641, para. 33), was occupying a high-level civilian post in the Secretariat of State of Defence, in possible contravention of the Civil Service Code. My Special Representative expressed concern on the matter to the Government.

34. Under the supervision of the Office of the Prosecutor-General, the UNMIT Serious Crimes Investigation Team continued its investigations into cases relating to crimes against humanity and other serious crimes committed between 1 January and 25 October 1999. As at 6 January 2012, investigations into 250 of the 396 outstanding cases (63 per cent) had been concluded, 15 during the reporting period. Thirty-one cases are currently under investigation, including two relating to alleged gender-based violence. UNMIT police are assisting in the investigations. On 26 September 2011, the conviction and sentence to nine years' imprisonment of a former Besi Merah Putih militia member for murder as a crime against humanity, committed on 6 September 1999 in Liquiçá, were upheld on appeal (see S/2011/641, para. 43). The convicted former militia member was not, however, taken into custody, and his whereabouts remain unknown. Parliament has yet to resume debate on the two draft laws on reparations and on the follow-up institution to the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship (ibid., para. 7, and S/2011/32, para. 8).

35. On 12 October, Timor-Leste was reviewed at the twelfth session of the Working Group of the United Nations Human Rights Council, under the universal periodic review mechanism. Representatives of the Government presented the Timor-Leste national report, which highlights the progress made and challenges faced in efforts to promote and protect human rights in the country. Members of the Working Group adopted the report and made 125 recommendations, including Timor-Leste's accession to additional international human rights instruments and timely reporting as required under those instruments; justice and reconciliation for past human rights violations, including reparations for victims; and ensuring full respect for the rights of women and children.

36. The Secretariat of State for the Promotion of Equality completed the follow-up report to the Committee on the Elimination of Discrimination against Women on actions taken in response to the Committee's concluding comments on Timor-Leste's first report. On 23 November, the Secretariat organized a briefing on the follow-up report for national stakeholders and partners, with support from UN-Women, UNFPA and UNICEF. The Office of the Provedor for Human Rights

and Justice monitored detention facilities, with support from UNMIT; increased its human rights investigations while finalizing standardized procedures for the investigation of human rights abuses; and developed its strategic plan for 2011-2020.

37. From 13 to 18 November, the United Nations Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, conducted an official mission to Timor-Leste at the invitation of the Government, to collect first-hand information on the situation of people living in poverty and to understand the initiatives taken by the authorities to improve their situation. In a statement on 18 November, the Special Rapporteur highlighted the commitment of the Government to eradicate poverty, but noted the rising inequality in living standards between the urban and rural areas. The Special Rapporteur called for meaningful participation for all, particularly rural populations, in the development process and for increased budget allocation for social services and human development.

38. UNMIT continued to give high priority to the zero-tolerance policy on sexual exploitation and abuse, including through the provision of conduct and discipline training and sexual exploitation and abuse awareness programmes in its four regional offices. The HIV/AIDS Unit continued its awareness programme. From 20 September to 6 December, 206 staff (including 29 women) of UNMIT and United Nations agencies received HIV/AIDS-related training.

B. Support for capacity-building and strengthening of the justice system

39. The positive trend of further reducing the number of pending criminal cases continued, with 700 cases processed between 1 October and 30 November, according to statistics released on 9 December by the Office of the Prosecutor-General. With 636 new criminal cases registered, there are 4,644 pending cases. The implementation of the new case management system remains critical to maintain this trend, along with the need for increased cooperation between police and prosecution services. During the reporting period, the National Directorate of Prison Services and Social Reintegration, with support from UNMIT and UNDP, continued the development of a parole system aimed at social reintegration and vocational training. Vocational training programmes for prisoners were successfully implemented and work continued on strengthening internal prison policies. The organic structure of the prison service has been revised, with technical support from UNMIT and UNDP, to align with the objectives of the Justice Sector Strategic Plan for Timor-Leste (see S/2010/522, paras. 4 and 38).

40. Further progress was made towards completing the legal framework, including adoption of the new law on international judicial cooperation on criminal matters, which entered into force on 26 December. However, concerns have been raised by civil society with respect to the new Civil Code promulgated on 13 September, noting shortcomings in the legislative consultation process and the lack of conformity with the international human rights standards related to the prohibition of discrimination affecting mainly the section on family law. In addition, the draft law to establish the recognition of customary law remains under review by the Ministry of Justice.

41. The Government, in partnership with relevant stakeholders, continued to develop a national action plan on gender-based violence. On 28 September, a

workshop on enhancing coordination between the police and the Prosecutor-General's Office to strengthen the enforcement of the Law against Domestic Violence was organized by the Office of the Prosecutor-General and the PNTL Vulnerable Persons Unit, in collaboration with UNMIT and UNDP. The initiative was followed by training provided by the Secretariat of State for the Promotion of Equality, UNMIT, UNFPA and a bilateral partner in Baucau, Covalima and Liquiçá districts, to enhance the investigative skills of PNTL officers in the area of domestic violence. Further, on 16 November, the Secretariat of State for the Promotion of Equality, in cooperation with the Ministry of Social Solidarity, UNMIT, UN-Women, UNFPA and the International Organization for Migration, and with bilateral support, started a capacity-building initiative to increase the capacity of PNTL to prevent and investigate gender-based violence. To promote awareness of the law against domestic violence, the Ministry of Justice, the courts, the Office of the Public Defender and the Office of the Prosecutor-General, with UNDP support, drafted, produced and disseminated outreach material on domestic violence.

42. Some progress was made towards meeting the objectives and benchmarks of the medium-term strategy in the area of the rule of law, justice and human rights. In an effort to further strengthen the capacity of national legal actors, the fourth training course for judges, prosecutors and public defenders commenced at the Legal Training Centre, on 14 November. However, although 45 places were available on the course, only 15 candidates (4 of them women) passed the entrance exam (out of 200 applicants), raising concerns about the level of legal education in the country. The overall capacity of the Legal Training Centre needs to be reinforced, including through the additional mentoring of its national staff. National judicial actors also require further training, particularly in specialized prosecution areas such as economic crimes. The effective implementation of new laws remains a concern, as highlighted in the recommendations made by several Member States in the Working Group on the Universal Periodic Review.

IV. Support for the national priorities programme, socio-economic development and humanitarian assistance

A. Support for the national priorities programme process

43. On 27 October, the Minister of Finance chaired the third quarterly development partners meeting to review the progress made by the national priorities working groups, including those on rural infrastructure and health. The national priorities programme, the targets of which constitute the international compact for Timor-Leste, formally concluded in December. UNMIT and the World Bank continued to support the national priorities secretariat. The National Directorate for Aid Effectiveness of the Ministry of Finance has begun to develop modalities for a successor programme to the national priorities programme for the implementation of the Timor-Leste Strategic Development Plan for 2011-2030 (see S/2011/641, paras. 7 and 51).

44. From 17 to 19 October, the Prime Minister and the Minister of Finance participated in a retreat of the Group of Seven Plus fragile States on the topic of moving from fragility to development, held in Juba, South Sudan, and from 29 November to 1 December, the Minister of Finance attended the Fourth High-

level Forum on Aid Effectiveness, held in Busan, Republic of Korea. At the High-level Forum, the Group of Seven Plus fragile States, co-led by Timor-Leste, endorsed a new deal for engagement in fragile States, which sets out five peacebuilding and State-building goals (legitimate politics, security, justice, economic foundations, and revenue and services) to guide the priorities and engagements in fragile States, and facilitate their progress towards achieving the Millennium Development Goals.

B. Socio-economic development

45. Volatile and high prices in commodity markets worldwide continued to affect the economy of Timor-Leste, increasing its income from oil and gas revenues but raising the prices of food and fuel. This was reflected in high rates of inflation which, according to the consumer price index of the National Directorate of Statistics, would reach approximately 12 to 14 per cent in 2011. According to the Transparency Portal of the Ministry of Finance, budget execution, including commitments, reached 94.7 per cent of the 2011 budget as at 28 December. The 2012 State budget of $1.67 billion was approved by Parliament on 25 November, with 54 per cent allocated to infrastructure and capital development. According to the Central Bank of Timor-Leste, the Petroleum Fund reached $8.9 billion as at 30 September.

46. As part of the Government's national electrification plan, on 28 November President Ramos-Horta inaugurated the new electric power plant in Dili District and the transmission line for northern Timor-Leste, aimed at providing electricity 24 hours a day to that part of the country. A second electric power plant in Manufahi District to supply the south is expected to be inaugurated in 2012.

47. The Ministry of Health intensified nutrition activities under its maternal and child health and nutrition programmes and supplementary feeding programme, targeting 115,000 beneficiaries, and provided nutrition training to district-level health personnel and volunteers, with assistance from the World Food Programme (WFP). Government efforts to address maternal health issues also intensified, with UNFPA support, including the provision of training on emergency obstetric care for midwives and newly graduated doctors, and the procurement of necessary equipment.

48. On 1 October, the Secretariat of State for Professional Training and Employment, with support from WFP, launched a pilot project on conditional cash transfers in Bobonaro District. The project targets around 5,000 food-insecure households, with an estimated 25,000 beneficiaries in disaster-prone areas. The Secretariat, with support from the International Labour Organization, also continued with the implementation of the Youth Employment Promotion Programme, assisting 2,116 job and training seekers (48 per cent women) through its employment and career guidance services, while 926 trainees (86 per cent youth, 51 per cent women) graduated from vocational training courses, and another 741 people (92 per cent youth, 39 per cent women) participated in work experience programmes aimed at facilitating school-to-work transition. In addition, 859 trainees (44 per cent youth, 85 per cent women) participated in business training courses and were provided with subsequent access to microcredit for business start-up. Further, cash-for-work activities involving 7,564 people (40 per cent youth, 28 per cent women) continued in rural areas of all districts.

49. At an event in Dili on 4 November, the National Statistics Directorate of the Ministry of Finance, with support from UNFPA, launched the giving back the census project to disseminate the key findings and results of the 2010 population and housing census to all *sucos* (villages) in the districts.

C. Humanitarian assistance

50. On 1 and 2 December, UNMIT, in cooperation with the Secretary of State for Social Assistance and Natural Disasters and with support from the United Nations Office for the Coordination of Humanitarian Affairs, organized a workshop on disaster risk management, to review the state of preparedness for natural disasters and discuss the contingency planning process. From 20 to 23 November, my Special Representative for Disaster Risk Reduction, Margareta Wahlström, visited Timor-Leste to assist the Government in integrating disaster risk reduction and climate change adaptation strategies into the national development policies and plans.

V. Transition preparation

51. UNMIT and the Government, together with other stakeholders, made further progress in the transition process, based on the Joint Transition Plan signed by the President, the Prime Minister and my Special Representative on 19 September. On 12 December, at its sixth meeting, hosted by the President and attended by Government representatives, the PNTL General Commander, the F-FDTL Commander and my Special Representative and senior management team, the High-level Committee on Transition reviewed progress in the transition focus areas of police and democratic governance, and also addressed issues related to UNMIT support to air transport and civil aviation management.

52. The Government and UNMIT also took further steps to ensure a coordinated transfer of certain UNMIT equipment to national authorities, pursuant to the Financial Regulations and Rules of the United Nations and subject to approval by the General Assembly. The Joint Transition Plan envisages the early transfer of certain UNMIT equipment to the national authorities, to allow them to familiarize themselves with its use and maintenance while the Mission still has a presence to assist in overcoming challenges that may arise. In a sign of commitment to addressing the practical implications of the anticipated departure of UNMIT, the President inspected the Mission facilities for fleet management, aviation and medical services on 1 November. On 22 December, the Prime Minister signed a decree establishing an inter-ministerial committee to manage the expected transfer of any UNMIT assets, in collaboration with the Mission. The mandate of the committee includes working with all national institutions that may receive UNMIT assets to ensure accountable use as well as repair and maintenance. Further, the High-level Committee reviewed the implications of the departure of UNMIT in the areas of police, air support, geographic information, and translation and interpretation services.

53. Further efforts were made to garner support among domestic and international partners for the implementation of the Joint Transition Plan. As a follow-up to his briefing to the diplomatic community in Dili on 14 September (see S/2011/641, para. 58), the Deputy Prime Minister, on 27 October, provided a briefing on the Plan

to Member States at United Nations Headquarters in New York, which was organized with support from the Department for Peacekeeping Operations. My Special Representative complemented those efforts through her regular discussions with the Government, political parties and civil society as well as with the representatives of Member States both in Dili and New York.

54. The Government and the United Nations also continued to discuss the issue of post-UNMIT United Nations engagement in Timor-Leste. In ongoing discussions with Government representatives, it was reiterated that a United Nations presence after the departure of UNMIT should be based on, inter alia, the four models set out in the Joint Transition Plan (see S/2011/641, para. 57). Options will be defined through assessments and consultations with all stakeholders, and subject to the approval of the new Government to be formed after the 2012 elections. A small delegation from United Nations Headquarters will conduct an assessment visit to Timor-Leste in early 2012 to consult with the Timor-Leste authorities and other relevant stakeholders on possible needs and requests for United Nations engagement in Timor-Leste post-UNMIT.

55. Meanwhile, as part of the implementation of the Joint Transition Plan and on the basis of a request from the Government of Timor-Leste, the Office of the United Nations High Commissioner for Human Rights sent an assessment mission to Timor-Leste from 3 to 8 October to consult with the Government, the United Nations and other stakeholders on the nature, scope and modalities of a future human rights presence in the country. All interlocutors affirmed the need for a continued international human rights presence in Timor-Leste after 2012.

56. In the context of ongoing preparations for post-UNMIT United Nations engagement, UNMIT and the United Nations country team further enhanced coordination, including on the development of a portfolio of transition projects that the country team intends to strengthen during the period 2012-2014. Addressing key challenges identified in the Joint Transition Plan and the Timor-Leste Strategic Development Plan, the portfolio comprises some 40 projects with a total annual budget of approximately $27 million, aimed at ensuring that Timor-Leste's progress is sustained following the departure of UNMIT. A Member States consultation on Timor-Leste is planned for the end of February to draw attention to the need for United Nations agencies, funds and programmes to continue some of the activities currently performed by UNMIT.

VI. Financial aspects

57. As noted in my previous report (see S/2011/641, para. 61), the General Assembly, by its resolution 65/297, appropriated $196.1 million for the maintenance of UNMIT for the period from 1 July 2011 to 30 June 2012. As at 30 November, unpaid assessed contributions to the Special Account for UNMIT amounted to $50.9 million. Outstanding assessed contributions for all peacekeeping operations as at that date totalled $3,811.6 million.

58. As at 28 December, amounts owed to formed police contributors to UNMIT totalled $2.9 million. Reimbursement of personnel and contingent-owned equipment costs has been made only for the periods up to 31 August 2011 and 30 June 2011, respectively, owing to the insufficiency of cash in the Special Account of the Mission.

VII. Observations and recommendations

59. Steady progress has been made in the preparations for the presidential and parliamentary elections in 2012, as reflected by the approval of subsidiary electoral legislation by the National Electoral Commission, the successful conduct of voter registration and ongoing efforts by the electoral management bodies to increase the participation of women and youth in the electoral process. It is encouraging that all political leaders have continued to express their commitment to peace and stability during the electoral process as well as dialogue, including within the framework of the Church-led initiative. At the same time, my Special Representative will continue to play her good offices role vis-à-vis all parties to ensure a peaceful and credible political process. The general stability that prevailed in 2011 may therefore be expected to continue in 2012, a year that will mark the tenth anniversary of the restoration of Timor-Leste's independence.

60. The upcoming elections could nevertheless reignite localized tensions among individuals and groups, including martial arts groups and, as noted in my previous report (see S/2011/641, para. 64), pose a test for the ability of PNTL to respond to security challenges. It is therefore reassuring that PNTL, with support from UNMIT police, has made operational planning for the elections a key priority. UNMIT police will continue to stand ready to provide operational support to PNTL, if required and requested, during the electoral period and beyond, particularly taking account of the logistical constraints that PNTL is still facing (ibid.). In view of the challenges still facing PNTL, including logistical challenges, I welcome the commitment made by the Prime Minister during the parliamentary debate on the 2012 State budget, to ensure the necessary capital investment in the PNTL logistical capacity. I encourage all concerned to make such investment in a timely manner to ensure that PNTL has adequate logistical capacity prior to the departure of UNMIT.

61. It is also critical to intensify efforts to further strengthen the institutional development of PNTL, particularly in the areas of criminal investigations, community policing and internal accountability. I therefore encourage Member States as well as bilateral and multilateral partners to engage with the Government and UNMIT to ensure continued support in these areas, following the withdrawal of UNMIT. To ensure the effective implementation of the PNTL-UNMIT Police Joint Development Plan, I also wish to reiterate my appeal to all countries concerned to approve requests for the extension of deployment of police officers serving in key UNMIT positions.

62. I believe that further progress towards the implementation of the recommendations of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship would have a positive impact on long-term peace and stability in Timor-Leste. In that connection, I hope that Parliament will soon resume debate on the two draft laws on reparations and on the follow-up institution to the Commissions.

63. Despite the remarkable economic growth achieved in recent years, further efforts are required to promote inclusive, equitable and sustainable growth in Timor-Leste. In that respect, it is crucial that adequate resources be allocated to vital areas, including agriculture, health and nutrition, education and employment-generation, particularly for youth and women. As the United Nations country team will continue its engagement in Timor-Leste after the departure of UNMIT, it will be critical to

secure funding to cover the gaps in these areas, some of which are identified in the Joint Transition Plan.

64. I commend the continued progress in the joint transition process, in view of the expected departure of UNMIT at the end of 2012. In that context, I welcome the Mission's focus on enhancing the skills of its national staff through a comprehensive capacity-building and training programme. While the Mission should focus on the completion of its mandated tasks in 2012, parallel efforts should be made to ensure that those functions currently provided by UNMIT which would be needed beyond the anticipated end of its mandate, are either transferred to State institutions or taken over by bilateral and multilateral partners, the United Nations country team or other entities. In that regard, the effective implementation of the Joint Transition Plan, accompanied by regular review, is necessary to ensure its responsiveness to developments on the ground, and should be a key priority for UNMIT, the Government and all other stakeholders concerned in the period ahead. I expect that the extent to which the objectives of the Joint Transition Plan may be achieved by the end of 2012 will influence the final decision on the nature and size of the post-UNMIT United Nations engagement in Timor-Leste.

65. In view of the continued need for UNMIT support in its mandated priority areas in the period ahead, particularly in regard to support for the further institutional development and capacity-building of PNTL and election-related assistance, I recommend a further extension of the mandate of UNMIT until 31 December 2012. If the security situation permits, the UNMIT police component will commence its gradual downsizing as soon as possible after the elections, beginning in the districts. The number of military liaison officers will also be gradually reduced. In that connection, I intend to submit a report to the Security Council within 60 days after the formation of the new Government with my suggestions on the way forward in order to enable UNMIT and the Government to finalize preparations for the anticipated withdrawal of the Mission and planning for the eventual establishment of a post-UNMIT United Nations presence in Timor-Leste. Given the limited remaining time before the anticipated departure of UNMIT, I call upon all stakeholders, including the Timorese authorities, UNMIT and the United Nations country team as well as bilateral and multilateral partners, to continue to work together and intensify their efforts towards the effective implementation of the Joint Transition Plan.

66. In conclusion, I wish to thank my Special Representative, Ameerah Haq, for her leadership, and all of the personnel of UNMIT and the United Nations country team for their continued efforts in supporting the people of Timor-Leste in advancing peace, stability and development. I also wish to thank the international security forces for their continued support to UNMIT, including with respect to the maintenance of a stable security situation in Timor-Leste.

United Nations S/2012/44

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Letter dated 18 January 2012 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council

I am attaching herewith a press statement issued by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia on 18 January 2012, regarding the terrorist attack, on Monday, 16 January 2012, targeting a group of 22 tourists who were travelling in the Afar Regional State of Ethiopia (see annex). No doubt, this atrocious attack was planned, directed and executed with the direct involvement of the Eritrean regime. This is an illustration of the flagrant manner in which the Eritrean regime continues to act in contravention of international law governing inter-State relations and successive United Nations Security Council resolutions, including 1907 (2009) and 2023 (2011).

In this regard, I have the honour to request that the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) Tekeda **Alemu**
Ambassador
Permanent Representative

12-20947 (E) 190112

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Annex to the letter dated 18 January 2012 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council

Press statement on Eritrean-backed tourist killings in Afar Regional State

On Monday, 16 January 2012, a group of 22 tourists travelling in Afar Regional State were attacked by gunmen. It was an act of open terrorism resulting in the death of five people, with others injured and kidnapped. Those killed were two Germans, two Hungarians and an Austrian. The injured included an Italian, a Hungarian and two Germans. Three Ethiopians were also kidnapped.

The Government of the Federal Democratic Republic of Ethiopia would like to express its deep condolences to the families of those killed in this cruel attack.

The Government will do everything possible to have those taken prisoner released as soon as possible. It is already clear that the attack was carried out with the direct involvement of the Eritrean Government. There is concern that the people who have been kidnapped might have been taken across the border into Eritrea.

On previous occasions, when tourists were kidnapped, the Eritrean Government tried to use the prisoners as a bargaining chip in its diplomatic activities.

Monday's incident is yet another indication of how determined the regime in Asmara is to continue its destabilizing activities in the region. Indeed, this is an indication of the failure of the international community to rein in the regime.

The Government of Ethiopia believes that this terrorist act is intended to coincide with the upcoming African Union summit being held in Addis Ababa at the end of the month. It might be recalled that it was almost exactly a year ago that a major bombing plot was foiled in Addis Ababa, intended to disrupt the African Union summit last January.

It is an open secret that the regime in Asmara focuses its "diplomatic" efforts on trying to intimidate and terrorize the international community, rather than operate through normal diplomatic norms. It is also becoming obvious that the international community's failure to take serious action against the regime is effectively reinforcing Eritrea's recalcitrant behaviour.

The Government of Ethiopia is of the view that the time is overdue for the international community to become serious about the destabilizing role of the Eritrean regime in the region. This latest cowardly attack against innocent tourists clearly shows Asmara's contempt for the notion of international law and customs.

The Ethiopian Government's tolerance towards a regime that openly supports terrorist activity is inevitably wearing thinner by the day. The Government cannot and should not sit idly by while the regime in Asmara continues to sponsor acts of terror within Ethiopia's territory with impunity.

It will be obliged to take whatever action is necessary to stop the activities of the Eritrean regime once and for all unless the international community assumes its responsibilities and takes the necessary steps to bring this abominable behaviour to

an end. The Ethiopian Government believes that it is still not too late for international action.

At the same time, the Government would like to reiterate that the international community has never been the last line of defence against Eritrea's destabilizing activities. It should be made clear that Ethiopia has the right to defend itself and it will do so if necessary.

Ministry of Foreign Affairs of the
Federal Democratic Republic of Ethiopia

18 January 2012

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Letter dated 18 January 2012 from the Secretary-General addressed to the President of the Security Council

It will be recalled that during the open debate on piracy in the Gulf of Guinea held in the Security Council on 19 October 2011, I informed of my intention to dispatch a mission to the Gulf of Guinea to assess the scope of the threat of piracy in the region, and take stock of national and regional capacities to ensure maritime safety and security in the region and make recommendations for a possible United Nations response. I also advised that when I received the report of the mission, I would submit it to the Council. In that regard, I have the honour to share the report of the mission, submitted to me upon completion of its work (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Report of the United Nations assessment mission on piracy in the Gulf of Guinea (7 to 24 November 2011)

I. Introduction

1. In a request to the Secretary-General dated 27 July 2011, President Boni Yayi of Benin appealed for assistance from the international community to fight piracy in his country and throughout the Gulf of Guinea. The President pointed out the negative consequences of piracy and drug trafficking on the economy of Benin, and called upon the United Nations to consider the possibility of establishing a mechanism to combat piracy in the Gulf of Guinea similar to the anti-piracy regime currently in place off the coast of Somalia. In response, the Secretary-General decided to deploy a United Nations multidisciplinary mission to assess the scope of the threat of piracy in the Gulf of Guinea and to make recommendations on possible measures the United Nations and the international community as a whole could implement to respond in an effective manner to the dangers posed by that threat. It should be noted that President Yayi had written earlier, on 9 June 2009, to the United Nations to request the assistance of the United Nations Office on Drugs and Crime (UNODC) to help Benin formulate a national integrated programme to fight drug trafficking and organized crime in the country.

2. Following President Yayi's request to the Secretary-General, the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, briefed the Security Council on 23 August 2011 on the issue of piracy in the Gulf of Guinea and announced the intention of the Secretary-General to deploy an assessment mission to the region. Subsequently, on 31 August, the President of the Security Council issued a press statement expressing concern over the growing threat of piracy in the Gulf of Guinea and underlining the need for regional coordination and leadership in developing a comprehensive strategy to address it.

3. On 19 October, during an open debate in the Security Council on the matter "Peace and security in Africa: piracy in the Gulf of Guinea", convened by Nigeria in its capacity as President of the Security Council, the Secretary-General confirmed his intention to dispatch an assessment mission to the region and appealed to the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) to work together to develop a comprehensive and integrated regional anti-piracy strategy for the Gulf of Guinea, in close cooperation with the Gulf of Guinea Commission and the Maritime Organization of West and Central Africa (MOWCA). He also encouraged them to build on the existing memorandum of understanding on the establishment of a subregional integrated coastguard network in West and Central Africa developed by MOWCA and the International Maritime Organization (IMO). The ECOWAS Commissioner for Political Affairs, Peace and Security and the Gulf of Guinea Commission Deputy Executive Secretary for Political Affairs also made statements highlighting the key initiatives being taken by their respective organizations to counter piracy in the Gulf of Guinea. Nigeria stressed the devastating effect of piracy on maritime navigation and on the economies of the countries in the region, and underlined that the fight against piracy was a collective responsibility. For his part, the Permanent Representative of Benin to the United Nations stressed that if piracy was not addressed properly, it could jeopardize socio-economic development and foreign investment in the region.

4. Following its debate on 19 October, the Security Council, on 31 October, adopted its first ever resolution on the issue of piracy in the Gulf of Guinea. In resolution 2018 (2011) the Council expressed deep concern about the threat posed by piracy and armed robbery to international navigation, security and the economic development of States in the Gulf of Guinea region, and welcomed the intention of the Secretary-General to deploy a United Nations assessment mission to the region, as well as the intention of regional leaders to convene a summit to consider a comprehensive response to the piracy threat in the Gulf of Guinea. The Council also indicated that it looked forward to receiving the recommendations of the assessment mission deployed by the Secretary-General.

II. Background

5. Piracy in the Gulf of Guinea is not a new phenomenon. Since the late 1990s, the region has been facing acts of piracy targeting high-value assets, particularly oil shipments. However, since 2010, incidents of piracy and armed robbery in the area have risen significantly, making the region the second most acute piracy problem on the African continent. In its 2010 annual report, IMO listed the West African coast among the top six piracy hotspots in the world. According to IMO, 58 attacks were reported in the region during the first 10 months of 2011, as opposed to 45 in 2010. Twenty-one of the reported attacks in 2011 occurred off the coast of Benin, 14 off the coast of Nigeria, 7 off the coast of Togo, 4 off the coasts of the Democratic Republic of Congo, the Republic of Congo and Guinea, 2 off the coast of Ghana and 1 off the coasts of Angola and Côte d'Ivoire. In 2010, while Nigeria reported 25 attacks, Guinea 6, Cameroon 5, Côte d'Ivoire 4, the Democratic Republic of the Congo 3, and Congo and Liberia 1, respectively; Angola, Benin, Ghana and Togo did not report a single attack. As a result of robust anti-piracy operations launched by Nigeria, one of the main targets of pirates, the problem has moved to more vulnerable countries, such as neighbouring Benin, whose port of Cotonou is located 19 nautical miles from the Nigerian coastal border.

III. Assessment mission

6. The assessment mission conducted its work from 7 to 24 November in Benin and Nigeria, under the co-leadership of the Director of the Africa II Division of the Department of Political Affairs of the United Nations Secretariat, Sammy Kum Buo, and the UNODC Representative in Nigeria, Mariam Sissoko. Mr. Buo led the mission during its visit to Gabon and Angola. Other participants included representatives of the Department of Peacekeeping Operations, IMO, the United Nations Development Programme (UNDP), the United Nations Office in Central Africa (UNOCA) and the United Nations Office for West Africa (UNOWA). The main objectives of the mission were: (a) to assist the Government of Benin in the formulation of a national integrated programme to address drug trafficking, organized crime and piracy; and (b) to assess the scope of the threat of piracy in the Gulf of Guinea region and explore possible options for an effective United Nations response.

IV. Work of the assessment mission in Benin

7. In Benin, the mission met with a broad cross-section of national interlocutors, including President Yayi, other senior Government officials and representatives from the country's army, police, navy, port and judiciary institutions, as well as international partners, including the European Union and members of the diplomatic corps. Representatives of the mission also participated in a seminar on the theme "Maritime security in the Gulf of Guinea", with specific focus on Benin, Ghana and Togo, which was held in Cotonou from 8 to 10 November and was organized by France under the auspices of the President of Benin.

Scope of the threat of piracy in Benin

8. Benin is one of the most vulnerable countries affected by piracy in the Gulf of Guinea. As mentioned in paragraph 5, 21 pirate attacks in the waters off Benin were reported in 2011, as compared with none in 2010 and 1 in 2009. The majority of attacks occur at night and target oil and chemical vessels that are stationary while conducting ship-to-ship transfer operations, usually at a distance of over 40 nautical miles offshore. The attacks are therefore not seen as isolated or opportunistic, but rather as systematic and organized.

9. In the face of the growing number of attacks, Benin lacks the capacity to effectively deter or pursue attackers. The mission was informed that the pirates generally utilize faster boats and more advanced equipment during these attacks than those operated by the Benin navy. It is unlikely that the pilfered fuel, which subsequently resurfaces on the black market in the main ports along the Gulf of Guinea, is being stolen and distributed without the collusion of officials at the ports. In this regard, several Benin officials acknowledged that corruption at the Port of Cotonou is likely, and that the attacks could not occur without the complicity of Benin nationals operating on land.

10. Both national and international interlocutors expressed the view that criminal organizations operating from neighbouring countries are behind many of the pirate attacks. In particular, they asserted that the crackdown by the Government of Nigeria on piracy and oil bunkering off its shores had led criminal organizations operating in Nigerian waters to shift their operations to the waters of Benin. According to IMO, the number of pirate attacks off the coast of Nigeria decreased from 48 in 2007 to 25 in 2010 and 14 in 2011.

Impact of piracy on the economy of Benin

11. The economy of Benin is heavily reliant on service and transit fees from the Port of Cotonou, as well as on cotton exports, for national revenue. It is a low-income country with a per capita income of $680 in 2010, and a ranking of 167 out of 183 countries in the 2011 UNDP Human Development Index. Revenue from activities at the port account for 70 per cent of the national gross domestic product and 80 per cent of national fiscal revenue. The Port of Cotonou also handles an estimated 90 per cent of the country's trade with foreign countries. Owing to the recent escalation in pirate attacks off the coast of Benin, in August 2011, the London-based marine insurers' group — the Joint War Committee — added Benin to the list of high-risk countries, leading to increased insurance rates for vessels operating in Benin's waters. As a result, the number of ships entering the Port of

Cotonou has declined by 70 per cent. Statistics of the National Shippers' Council of Benin show that tonnage at the port has fallen to less than 6 million tons in 2011, as opposed to an average annual tonnage of 7 million. This will result in an estimated loss of $81 million in customs revenue in 2011. In addition, the country is also experiencing a monthly loss of $1 million in its fishing sector.

12. The decline in revenue is affecting the ability of the State to function in the short term, and is hampering its efforts to consolidate democratic governance, implement socio-economic development programmes, institute reforms and attract foreign investments in the exploration and exploitation of Benin's offshore oil and gas reserves. It is also affecting Benin's trade and economic activities with neighbouring countries, in particular landlocked States, including Burkina Faso, Mali and Niger. As one of the major transit ports servicing these landlocked States, the decline in maritime activity in the Port of Cotonou also affects the economic activities of these States.

Legal framework

13. The Government of Benin is a signatory to a number of international conventions, including the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Ship and Port Facility Security Code, the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Convention on Facilitation of International Maritime Traffic. However, it is not a signatory to the International Convention on Maritime Search and Rescue. Like other West and Central African States, Benin has committed to implementing applicable IMO Conventions, as well as the IMO/MOWCA memorandum of understanding.

14. The mission assessed that the country's legal framework needs to be reformed to effectively address the threat of piracy. First, the definition of the crime of piracy is outdated and is not consistent with the definition of piracy under the United Nations Convention on the Law of the Sea. For example, in two recent piracy cases reported by the Benin authorities, suspected pirates were charged with generic offences, such as armed robbery, premeditated murder and conspiracy. Further, unless other modes of liability, such as conspiracy, are not criminalized, the potential for combating piracy and other forms of organized crime will remain extremely limited. In addition, the universal jurisdiction provided for under the Convention with respect to the arrest and the prosecution of pirates is not incorporated in Benin's Maritime Code. As a result, Benin's jurisdiction on piracy acts committed on the high seas is limited to acts committed by its citizens or on board of Benin's ships. In addition, while the national Maritime Code contains rules for the investigation of offences committed at sea by various national authorities and the handling of suspects arrested at sea, it needs to be updated and streamlined.

National efforts to combat piracy in Benin

15. In addition to recent intensive diplomatic démarches undertaken by President Yayi to seek regional and international assistance to combat piracy in Benin, national authorities have implemented several other initiatives to address the threat. As a first step, the Government has invested in the purchase of military, maritime and aviation assets to enhance its maritime security capabilities. It has purchased three new patrol boats and two new surveillance aircraft to supplement the two

small in-shore boats currently being used by the navy for patrols. The new vessels, which are due to be delivered to Benin by an overseas manufacturer in the first quarter of 2012, will enable the navy to conduct patrols in the exclusive economic zone. The Ministry of Finance has taken steps to ensure that the national budget covers the cost of maintenance of these assets. In addition, Benin's maritime surveillance system is being enhanced by the installation of two coastal radar systems that will provide coverage of ship movements within Benin's waters. Arrangements have also been put in place for ships conducting ship-to-ship cargo transfer operations to do so in a designated safe area close to the shore, under the protection of the Benin navy.

16. The Government has established two national coordination mechanisms to address maritime security issues: the National Council at the ministerial level and the Technical Committee at the operational level. At the time of the mission visit, the National Council, which is expected to develop a national maritime security policy, had not convened its first meeting. While the Technical Committee has begun to meet, albeit on an irregular basis, departmental representation has not been consistent, making it challenging for this mechanism to develop a national policy, clarify the roles and responsibilities of participating departments and agencies, and encourage a cooperative approach to maritime law enforcement.

17. Though still in the initial stage, the actions taken by the Government are bearing some fruit. So far, eight abandoned ships off the coast of Benin, which were occasionally used as bases by pirates, have been destroyed. In addition, the authorities are currently carrying out investigations in relation to nine individuals who have been arrested and detained in connection with armed attacks in Benin's coastal waters.

Regional efforts to help combat piracy in Benin

18. As a result of President Yayi's diplomatic campaign to mobilize regional support, an agreement was reached with President Goodluck Jonathan of Nigeria, which led to Benin and Nigeria commencing a six-month joint patrol programme along Benin's coast, which began on 28 September 2011. The programme, known as Operation Prosperity, is being conducted under Nigeria's tactical command and Benin's operational command. Ninety-five per cent of the logistical support for the joint operation is being provided by Nigeria, including in particular two helicopters, two maritime vessels and two interceptor boats, while Benin contributes two "Defender" boats, which have been provided by the Government of the United States of America. Benin's contribution to the operation is estimated at CFA 234,347,490 per month (about $466,000), which is equivalent to 5 per cent of the total cost of the operation. Since Benin and Nigeria started Operation Prosperity, the number of successful pirate attacks has fallen. In October, two large tanker ships suspected of carrying out illegal ship-to-ship operations were captured and handed over to Benin authorities, while three fishing vessels and a tanker were rescued from attempted pirate attacks. On 1 November, two more vessels engaged in illegal ship-to-ship operations were also captured and handed over to the authorities.

19. Notwithstanding its success, the joint operation faces major constraints, including the absence of logistical support facilities for vessels being used to conduct patrols. As a result, the Nigerian vessels participating in the operation must sail to Lagos for refuelling and repairs. The high operating costs also constitute a

big challenge. To ensure the sustainability of these joint patrols, adequate facilities will need to be constructed in Cotonou to support refuelling, maintenance and storage of supplies used in the joint operations. The joint programme will be reviewed by both countries at the end of its six-month term, in March 2012, with a view to deciding whether the arrangement will continue. Given the limited capacity of Benin to singularly prevent pirate attacks in the country's waters, the discontinuation of these patrols beyond March 2012 could severely undermine the maritime security of the country.

International measures to support anti-piracy efforts in Benin

20. In addition to requesting the support of the United Nations, President Yayi also wrote to several Member States to seek assistance in addressing the threat of piracy along the coast of Benin. The responses, including from Belgium, China, France and the United States, have been very encouraging. Some international partners are already providing technical support or have committed to bilateral programmes with Benin in support of its maritime security strategy. The Government of France is funding a three-year project referred to as the "Priority Solidarity Fund: support to the reform of maritime security sector in the Gulf of Guinea". The project, which will cost an estimated $1 million, is aimed at building the capacity of the national security forces of Benin, Ghana and Togo to enable them to provide effective maritime security. The Government of China has also agreed to fund the purchase of a ship, while the Government of the United States has pledged $300,000 to help with the development of a national maritime strategy. In addition, at the time of the mission visit, Australia and the United States also pledged to deploy assessment missions to Benin.

21. The European Union is also a key partner in the fight against piracy in the Gulf of Guinea through the implementation of a programme on maritime piracy, of which Benin and other West and Central African countries are beneficiaries. The programme, which was launched in November 2010, focuses, inter alia, on maritime security and safety, maritime information-sharing and enhancing the operational capacity of coastguards and law enforcement agencies.

Recommendations to combat piracy in Benin

22. Following are recommendations to combat piracy in Benin:

For the Government of Benin:

(a) Adopt a national maritime security strategy;

(b) Establish an interdepartmental national maritime security committee, comprised of national agencies and ministries responsible for maritime safety and security, including, inter alia, transport, maritime, port, police, navy, gendarmerie, customs, finance, border control, fisheries, energy, foreign affairs and the interior, to implement the national maritime security strategy. The committee would serve as the main national interlocutor on issues related to maritime security, including for building partnership with international stakeholders;

(c) Adopt a united front with neighbouring coastal countries to prevent pirates from shifting from one port to another;

(d) Accede to the 1979 International Convention on Maritime Search and Rescue and the 2005 Protocols to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and develop enabling legislation to bring these Conventions into national law;

(e) Undertake a thorough review of the legal framework in the country to enable it to effectively prosecute piracy and armed robbery at sea, and to counter unlawful acts against the security of maritime navigation, port facilities and offshore platforms;

(f) Develop a strategic communication plan to sensitize and educate the public about maritime policies and raise maritime awareness;

(g) Develop land-based patrolling, surveillance and information-gathering systems to further enhance maritime security, including by developing a "water/waterside" watch programme; promoting public outreach programmes to encourage port workers, fishermen, waterfront communities and seafarers to observe, record and report to coastguards and law enforcement authorities; and developing an information-sharing culture and framework for data collection, analysis and dissemination;

(h) Ensure that standard operating procedures for ships conducting ship-to-ship operations in waters off the coast of Benin are developed and promulgated to shipping industry organizations and IMO;

(i) Make use of the system, tools and services of the International Criminal Police Organization (INTERPOL), utilize existing networks and coordinate with international bodies to support law enforcement with respect to crimes committed at sea;

(j) Provide training for members of the judicial system, including magistrates and prosecutors, on maritime law enforcement issues, in coordination with the navy and the Maritime Authority;

(k) Strengthen the judiciary, through the provision of assistance to prosecutors and courts, on aspects of maritime law enforcement, focusing on crimes such as piracy, drug trafficking, human trafficking, the dumping of waste, illegal and unregulated fishing and small arms trafficking;

(l) Develop a national maritime security plan that sets out current capabilities, identifies gaps, outlines future requirements for maritime security sector governance and reform, and provides justification for continued investment in maritime security;

For international partners:

(a) Provide funding and support to ensure the presence of adequate patrols off the coast of Benin, for example, through the continuation of the Nigerian/Benin joint maritime patrols, pending the operationalization of an effective national maritime security force;

(b) As an immediate step, contribute funds for the purchase by Benin of naval vessels and aircraft, or donate supporting infrastructure, radar systems and other equipment, as well as assist with capacity-building to enhance the maritime security capabilities of Benin;

(c) Over the long term, provide assistance with information-sharing and capacity-building to strengthen the maritime security sector of Benin and to enable national security institutions, especially the navy and air force of Benin, to conduct more effective patrols and maritime surveillance;

For the United Nations:

(a) Assist in coordinating international assistance to support the efforts of Benin to combat the threat of piracy;

(b) Provide technical assistance to Benin in developing enabling legislation to bring international maritime instruments into national law;

(c) Assist national authorities in developing a national integrated programme to fight piracy, drug trafficking and organized crime;

(d) Assist Benin and other MOWCA member States to implement the memorandum of understanding on the establishment of a subregional integrated coastguard network in West and Central Africa.

Scope of drug trafficking and transnational organized crime in Benin

23. Benin has become a major port of embarkation for drug couriers and for the trans-shipment of large quantities of cocaine and heroin from South America to Europe. In April and June 2011, authorities seized a shipment of 200 kg of heroin and 450 kg of cocaine, respectively, in the Cotonou Port. In addition, 200 kg of heroin and 500 kg of cocaine destined for Benin were seized in Pakistan and Colombia in April and May 2011, respectively. Cannabis is locally cultivated and consumed or exported to Nigeria for further processing. In addition, amphetamine-type stimulants, originating in Asia and Nigeria, are also widely trafficked and consumed in Benin. Trafficking in counterfeit medicine is also prevalent.

24. Transnational organized crime networks are especially active in the areas of oil bunkering and trafficking in cocaine, children, counterfeit medicines and cigarettes. Illicit trafficking operations involving alcohol, cement and cars are also on the rise. Several factors make Benin a soft target for traffickers, including limited law enforcement capacity, porous borders and Benin's role as a major import-export hub.

25. Child trafficking is widespread and fuelled by the poverty of rural families. Children are taken to work for little or no salaries in shops or fields in foreign countries. Cases of child trafficking for prostitution or pedo-pornography have also been reported. Trafficking in petroleum has generated an underground industry that thrives on the purchase and sale of smuggled fuel. Attempts by the authorities to tackle this issue in August 2008 resulted in violent clashes with the police. According to local estimates, 80 per cent of the petroleum sold in Benin is smuggled, which has led to the closure of many lawful petrol stations, which cannot profitably compete against the illegal operators.

26. There is an increasing incidence of armed robberies against businesses and banks and theft of luxury vehicles. The mission was informed that bandits have also successfully targeted Government payroll convoys. The proliferation of small arms was reported to be on the rise since the summer of 2011.

27. Benin's 1,989 km of land borders with Togo, Burkina Faso, Niger and Nigeria and 121 km of coastline on the Gulf of Guinea are very difficult to secure. Lagoons and rivers, which are sometimes used by criminals in speedboats, have also proven to be difficult to police and control. Moreover, the major road connecting Lagos to Accra is frequently used for criminal activities.

28. The European Union is funding the development by INTERPOL of a police information system for Benin and Ghana. Under this system, a single database on organized crime will be created and made available to all 15 West African States.

Legal framework to fight drug trafficking and transnational organized crime in Benin

29. Benin is a party to major international conventions related to drugs and crime, including the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. It is also a party to several anti-terrorism protocols. Moreover, the country has enacted several laws to fight particular forms of organized crime, including Law No. 97-025 dated 18 July 1997, on drug and precursors control; Law No. 2006-14 dated 31 October 2006, on money-laundering prevention, detection and criminalization; Law No. 2011-20 dated 30 August 2011, on corruption and Law No. 2006-04 dated 10 April 2006, on child trafficking. The country also has law enforcement units that specialize in the investigation of drug trafficking and child trafficking and a financial intelligence unit that focuses on the detection and the prevention of money-laundering.

30. However, the overall legal framework and justice system in the country need to be reviewed and reformed. In particular, the Penal Code of Benin and the 1967 Code of Criminal Procedure are both outdated. The mission was informed that revised draft texts had been submitted to the National Assembly but were yet to be examined. The implementation of national legislation and international legal assistance instruments is very limited. For example, anti-corruption and anti-money-laundering laws exist but are rarely enforced. In addition, law enforcement agencies and the judiciary experience difficulties in conducting investigations owing to several factors, including lack of personnel, resources and equipment, inadequate training, limited law enforcement capacity and the absence of inter-agency coordination, especially among the security forces.

Recommendations to fight drug trafficking and transnational organized crime in Benin

31. Following are recommendations to fight drug trafficking and transnational organized crime in Benin:

For the Government of Benin:

(a) Review and replace the Penal Code and 1967 Code of Criminal Procedure, which are outdated;

(b) Strengthen State institutions to enable proper functioning of criminal justice and law enforcement systems, in particular, by providing support to the different law enforcement agencies;

(c) Provide special assistance to airport and maritime security units to enhance their ability to interdict smuggling, drug trafficking and other organized crime operations;

(d) Create and train specialized judicial police entities charged with the responsibility of combating illicit trafficking and organized crime;

(e) Provide equipment to facilitate surveillance and strengthen forensic capacity;

For the United Nations:

Assist national authorities to develop a national integrated programme to fight drug trafficking and organized crime, including piracy.

V. Piracy in the Gulf of Guinea

32. After Benin, the assessment mission travelled to Nigeria from 18 to 19 November, Gabon from 20 to 22 November and Angola from 23 to 24 November to meet with ECOWAS, ECCAS and the Gulf of Guinea Commission, respectively, as well as with national authorities in the three countries. The discussions focused on an assessment of the scope of the piracy threat in the region and the exploration of possible options at the regional and international levels to respond to it.

Scope of the threat of piracy in the region

33. The Gulf of Guinea is a geographical area that stretches from Guinea in the north-western part of the African continent to Angola in the south-central part of the continent. The region is a growing source of oil, cocoa and minerals. Collectively, Gulf of Guinea countries produce more than 5 million barrels of oil per day and more than three quarters of the world supply of cocoa. The region is also rich in minerals, including bauxite in Guinea, gold in Ghana and unexploited resources such as iron ore in Liberia and other countries.

34. No country in the region appears to have the capacity to tackle maritime insecurity alone, with many pirate attacks occurring beyond national territorial waters and reaching into the exclusive economic zones. Despite the crucial role of Nigeria in helping one of the most vulnerable countries, Benin, through joint maritime patrols, a wider approach is needed. Piracy does not only concern littoral States, but also hinterland and landlocked countries, which depend on the sea for exports and imports. It is estimated that piracy currently results in an annual loss of $2 billion to the economy of the West African subregion.

35. Pirates in the Central African part of the Gulf of Guinea mainly target both oil drilling platforms and ships, with the intention of seizing money, radio equipment and goods from the crew and the passengers. On some occasions, hostages are taken for ransom. On the other hand, attacks in the West African subregion generally occur during ship-to-ship transfer operations, with a view to stealing oil cargo and other high-value assets. While West African States have just started to seek ways

and means to address the piracy threat at the regional level, the coastal Central African States, most of which are oil-producers, have already begun to organize a coordinated anti-piracy response.

IMO/Maritime Organization of West and Central Africa memorandum of understanding

36. In October 2006, IMO and MOWCA convened a meeting in Dakar, in order to discuss the establishment of a system whereby the various national entities responsible for carrying out "coast guard functions" could cooperate both domestically and regionally for the benefit of West and Central Africa as a whole. That led to the development of the memorandum of understanding on the establishment of a subregional integrated coastguard network in West and Central Africa (the IMO/MOWCA memorandum of understanding) adopted in July 2008, which has been signed by 15 coastal States from the region. The memorandum of understanding aims at enhancing maritime safety, security and law enforcement throughout the region and forms the basis of the maritime security strategy within the African Maritime Transport Charter adopted by the African Union in Durban in October 2009. It also serves as the basis for national and regional action plans to be developed by regional States for the implementation of the integrated coastguard function network.

Central African subregional anti-piracy efforts

37. In addition to becoming signatories to the IMO/MOWCA memorandum of understanding, Central African countries have joined together under the umbrella of ECCAS to take collective steps to fight piracy. Despite being underresourced, they have developed a comprehensive joint maritime security architecture that could serve as a good model for the entire Gulf of Guinea region.

38. The ECCAS strategy on maritime security was developed at the request, on 26 February 2008, of the Council of Ministers of the ECCAS Council for Peace and Security. The strategy is built on six pillars, including (i) information management; (ii) community surveillance through the detection and the sharing of assets; (iii) the legal and functional harmonization of States' action at sea; (iv) self-financing, through a community tax; (v) logistics; and (vi) the institutionalization of a maritime conference for Central Africa. In October 2009, the ECCAS Committee of Chiefs of Defence Staff adopted a Protocol that provided for the establishment of a subregional maritime security centre and committed ECCAS member States to the conduct of maritime operations against piracy. That led to the establishment of the Regional Centre for Maritime Security in Central Africa (CRESMAC), which is located in Pointe-Noire, Congo.

39. In implementing its maritime security strategy, ECCAS has divided its maritime space into three zones: A, B and D. Zone A includes Angola and the Democratic Republic of Congo, Zone B consists of Angola, Congo and Gabon, and Zone D covers Cameroon, Equatorial Guinea, Gabon and Sao Tome and Principe. Each of the zones is supervised by a multinational coordination centre and all three centres are under the command of CRESMAC. Zone D was the first to be activated, in response to recurring violent pirate attacks in the area since 2006. Joint surveillance patrols started in that Zone in September 2009. In April 2010, the ECCAS Council for Peace and Security adopted a funding mechanism that provides

for countries in each zone to pool their maritime taxes into a single community tax for maritime security. In the same vein, Angola, Cameroon, Congo, Equatorial Guinea and Gabon have also made available their military centres for regional maritime training.

40. According to ECCAS, the implementation of the strategy in Zone D has yielded positive results after two years of activity, leading to the stabilization of the security situation in that zone. There has been a significant decline in piracy activity in the area, although casual intrusions continue in Cameroon waters and sometimes onshore. There has also been a decrease in illegal fishing and smuggling in the area. As a result of the progress it has made in combating piracy, ECCAS proposed to the mission that the Central Africa subregion should host the proposed joint regional summit of Gulf of Guinea States on piracy.

41. Notwithstanding these gains, the mission was informed that individual Central African States were finding it increasingly difficult to continue to finance and support naval operations on their own, pending the operationalization of CRESMAC. Accordingly, the need was expressed for substantial assistance to be provided to regional States and the various coordinating structures already set up in the subregion, in particular CRESMAC and the multinational coordination centres, to assist in the effective implementation of the ECCAS maritime security strategy.

42. Gabon, which hosts the ECCAS headquarters, stressed the benefits of regional cooperation in the anti-piracy field, while highlighting its own national efforts. The Minister for Foreign Affairs of Gabon, Paul Toungui, explained that the decision of the Government to make maritime security the theme of the celebration of Gabon's fifty-first anniversary of independence in August 2011 reflected Gabon's resolve to continue to combat piracy and to enhance the protection and security of its coastline.

West African subregional anti-piracy efforts

43. West African States are signatories to the IMO/MOWCA memorandum of understanding, and the subregion has recently begun to take concrete, preparatory steps towards building a joint maritime security approach, through ECOWAS. While the discussion on piracy was initiated at the meeting of the ECOWAS Committee of Chiefs of Defence Staff held in Cotonou in April 2010, it was only at its January 2011 meeting that a recommendation was made to the ECOWAS Commission to develop a regional maritime security governance concept. By the time the 15 Chiefs of Defence Staff and Heads of Navies gathered for the Committee of Chiefs of Defence Staff meeting in October 2011, piracy and related maritime security issues along the West African coast had become a significant threat to several Member States, particularly Benin, Côte d'Ivoire, Ghana, Guinea, Nigeria and Togo. As a result, a decision was taken by the Committee to task its subcommittee on maritime security with making recommendations for the development of an integrated maritime security strategy and an integrated maritime plan.

44. These draft documents will be reviewed by experts on maritime security of ECOWAS member States before being presented to the ECOWAS Mediation and Security Council, which is comprised of Ministers for Foreign Affairs and of Defence and Internal Security. The documents will then be presented to the next ECOWAS summit of Heads of State scheduled for the first quarter of 2012. The mission was informed that experts from ECOWAS, ECCAS and the Gulf of Guinea

Commission are scheduled to meet in Benin in February 2012 to discuss maritime security issues in the Gulf of Guinea ahead of the planned joint regional summit of West and Central African Heads of State. The mission was also informed that the draft ECOWAS integrated maritime security strategy aligns its objectives with relevant existing maritime-related plans, strategies and initiatives, in particular with applicable African Union resolutions, guidelines and recommendations, such as the draft African integrated maritime strategy currently under development by the African Union.

45. On 18 November, the day the mission met with ECOWAS and Nigerian officials in Abuja, pirates struck the Nigerian coastline again, attacking a United States oil company ship. During his meeting with the mission, the Minister for Foreign Affairs of Nigeria, Olugbenga Ashiru, stressed the unrelenting determination of the Government of Nigeria to eliminate the piracy threat from its coast. To that end, he saw great mutual value in regional cooperation, in order to deny pirates safe havens anywhere in neighbouring ports or territories. The Minister for Foreign Affairs informed the mission that, in addition to the ongoing joint maritime patrols with Benin, Nigeria had also undertaken joint operations with Cameroon and Chad.

Gulf of Guinea Commission

46. The Gulf of Guinea Commission was created in 2001 in Libreville but only became operational in March 2007, when its Executive Secretariat was set up in Luanda. Its membership includes eight States, seven in the Central African subregion (Angola, Cameroon, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe) and one in West Africa (Nigeria). The Commission was established in response to the need for a permanent framework for consultations and negotiations on common threats and challenges in the region with respect in particular to maritime security. Its mandate includes the promotion of regional consultations for the prevention, the management and the resolution of conflicts that may arise from the delimitation of borders and the economic and commercial exploitation of natural resources within the territorial boundaries. In the absence of a meeting of its Assembly of Heads of State and Government during the past three years, the activities of the Commission have been limited mainly to the day-to-day functioning of its secretariat.

47. The Gulf of Guinea Commission explained to the mission that it could serve as a bridge between ECOWAS and ECCAS, with a view to harmonizing their policies and activities in the common Gulf of Guinea region. The Commission also advocated for adjusting its membership to include all the countries in the Gulf of Guinea area. The Secretary of State for External Relations of Angola, Manuel Domingos Augusto, informed the mission that Angola, both in its national capacity as a country with one of the largest coastal areas in the region and in its capacity as Chair of the Gulf of Guinea Commission, plans to host a Gulf of Guinea Commission ministerial meeting and a Gulf of Guinea Commission summit conference in the near future to press for a more robust role in the fight against piracy in the Gulf of Guinea.

Maritime Organization of West and Central Africa

48. MOWCA was established to ensure a cost-effective shipping service for subregional countries focusing on promoting safety and combating pollution. It unifies 20 West and Central African coastal States and 5 landlocked States. The coastal member States of MOWCA are Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo; and the landlocked member States are Burkina Faso, the Central African Republic, Chad, Mali and Niger. The overarching decision-making body for MOWCA is the General Assembly of Ministers of Transport of Member States, meeting at ordinary sessions every two years and at extraordinary sessions if necessary.

49. Although little mention was made of MOWCA during the mission meetings with national and regional interlocutors, it should be noted that the organization has initiated several programmes to strengthen cooperation in the shipping industry, to tackle issues of vessel and littoral security and to improve maritime policing and the protection of the environment.

Collective regional concerns

50. In both Central and West Africa, regional interlocutors underscored the need for implementing African solutions to African problems. While some expressed their openness to the idea of having foreign warships patrolling in the Gulf of Guinea, similar to international naval operations off the coast of Somalia, many others cautioned that a robust international naval response in the Gulf of Guinea would be a highly controversial issue, especially given broad regional wariness over perceptions of external interference. It was also felt that the introduction of foreign warships into the coastal waters of the Gulf of Guinea to prevent potential pirate attacks might be more destabilizing than helpful if it also attracted criminal or terrorist attacks targeting the foreign warships.

51. There were repeated calls from various interlocutors for the United Nations to play a facilitation and coordination role with respect to the issue of piracy. It was widely agreed that as a neutral intergovernmental body responsible for the maintenance of international peace and security, the United Nations was the ideal forum to mobilize the leaders, countries and organizations of West and Central Africa towards a joint maritime security framework for the Gulf of Guinea and, eventually, to mobilize and coordinate international assistance to support those regional efforts. It was also widely proposed that the United Nations assist in ensuring that there would be no duplication of efforts or gaps in addressing the threat of piracy in the Gulf of Guinea. In particular, matching identified needs with adequate resources was seen as vital.

52. Some interlocutors stressed that while the United Nations should assist regional organizations to build capacity, the world body should not itself implement regional initiatives, which should remain the responsibility of ECOWAS, ECCAS and the Gulf of Guinea Commission. Those regional organizations, the mission was told, would own the process, while operating under a mandate sanctioned by the Security Council.

53. All interlocutors underscored the importance of ensuring the involvement of the African Union in any initiative related to maritime security on the continent, as well as the participation of hinterland countries in any regional maritime security strategy. In addition, most stressed that any comprehensive maritime security strategy should go beyond addressing piracy and should encompass policies to combat the threats of other acts of transnational organized crime, including drug trafficking, illicit fishing, illicit dumping of toxic waste, and illegal or clandestine immigration or migration.

Collective regional requirements

Surveillance system

54. Although a joint maritime force arrangement exists within ECCAS, there is no joint arrangement for effective patrolling and monitoring of the maritime domain for the whole Gulf of Guinea area. There is no collective surveillance system including coastal radars covering the Gulf of Guinea coastline, even though some States have begun installing and operationalizing national coastal radars, notably under the framework of bilateral defence cooperation programmes with France and the United States.

Funding

55. The absence of a sustainable process for equipping and funding maritime security and safety activities hampers the ability of States to operate optimally in this domain. Such funds could be derived from regular State budgetary appropriations, contributions from the major stakeholders in the maritime sector or levies on commercial activities in the maritime environment. The funds could then be used to procure and sustain maritime security equipment and trained personnel, or to implement approved capacity-building programmes for the relevant maritime agencies.

Information-sharing

56. No formal system of information-gathering and exchange exists between States or organizations in the region. Efficient coordination of inter-agency activities, including the maritime operations centres, will require the establishment of common procedures, particularly on joint operations and information-sharing. Standard operating procedures and joint training programmes on maritime policing operations will also need to be developed.

Legal framework

57. Most ECOWAS and ECCAS member States do not have adequate legal frameworks covering actions at sea and policies to address piracy and armed robbery against ships. It is necessary to consider the enactment of national maritime legislation to regulate the activities and the areas of cooperation with other neighbouring States.

Maritime domain awareness

58. The maritime domain is a multidisciplinary sector involving military, civilian transport, fishing, recreational activities and naval defence interests. Several

national administrations in the region, however, appear to have limited awareness of the full ambit of the maritime domain. As a result, sea challenges are generally relegated to the military sector, ignoring legitimate civilian interests, in particular with regard to transport and commerce. Consequently, there is a need to raise appropriate awareness of the maritime domain in its broadest possible scope, both at the national and regional levels.

Recommendations to combat piracy in the Gulf of Guinea

59. Following are recommendations to combat piracy in the Gulf of Guinea:

For regional stakeholders:

(a) The regional summit of Gulf of Guinea Heads of State, called for by ECCAS, ECOWAS and the Gulf of Guinea Commission, and supported by the Security Council in its resolution 2018 (2011), should be convened as early as possible in 2012, with a view to developing a comprehensive regional strategy to combat piracy in the Gulf of Guinea;

(b) Pending the proposed regional summit, ECCAS, ECOWAS and the Gulf of Guinea Commission should consider adopting immediate measures to ensure greater levels of cooperation among them in their efforts to promote maritime security in the Gulf of Guinea, taking into account the provisions of the IMO/MOWCA memorandum of understanding. In that connection, they should specifically consider integrating their maritime surveillance, information-gathering and protection activities, as well as consider joint approaches to shipowners, insurers and international law enforcement agencies, on matters relating to maritime security in the Gulf of Guinea;

(c) ECOWAS, ECCAS, the Gulf of Guinea Commission, and regional States should closely coordinate with the African Union on efforts to tackle the threat of piracy in the Gulf of Guinea region;

(d) Awareness of the importance and the relevance of maritime security should be mainstreamed into the national policies of regional governments and promoted in public. Governance of the maritime security sector should also be strengthened in those national policies;

(e) ECOWAS and ECCAS member States should consider initiating and/or intensifying joint patrols at sea in the Gulf of Guinea;

(f) In order to further enhance maritime security, West and Central African States should develop land-based patrolling, surveillance and information-gathering systems, including by developing a "water/waterside" watch programme; promoting public outreach programmes to encourage port workers, fishermen, waterfront communities and seafarers to observe, record and report to coastguards and law enforcement authorities; and developing an information-sharing culture and framework for data collection, analysis and dissemination;

(g) With respect to ship automatic identification systems, West and Central African States should conduct needs assessments, including analysis of key choke points and critical areas, to review existing infrastructure, and to determine what further equipment and training is required;

(h) In order to use long-range identification and tracking of ships data, West and Central African States should establish a national long-range identification and tracking data centre or utilize other data centres to meet the International Convention for the Safety of Life at Sea regulatory requirements and the Convention on Maritime Search and Rescue obligations; inform IMO of which data centre will be used; analyse the cost of port State tracking based on current port traffic; and consider creating custom polygons in critical areas for coastal State tracking;

(i) ECOWAS and ECCAS member States should consider taking measures to build capacities to criminalize acts of piracy and to support the development of judicial institutions dealing with the issue;

(j) The law enforcement agencies of ECOWAS and ECCAS member States should consider taking steps to be connected to existing regional and international networks for combating organized crime, including criminal activities at sea. In particular, they should consider joining the secure global police communications system of INTERPOL, referred to as I-24/7, allowing them to share information, coordinate their activities and access INTERPOL databases;

For international partners:

(a) Provide logistical support to ECOWAS and ECCAS to improve their capabilities to counter piracy in the Gulf of Guinea, in particular with regard to infrastructure, radar, communications equipment and training of maritime security personnel;

(b) Support ECOWAS to set up a joint coordinating centre, similar to the ECCAS Regional Maritime Security Centre in Pointe-Noire, which would provide ECOWAS with the capacity to collect and disseminate data related to maritime security in West Africa;

(c) Provide logistical support for the information-sharing centres to be established under the IMO/MOWCA memorandum of understanding and the ECCAS Regional Maritime Centre in Pointe-Noire and for a similar centre for ECOWAS, once set up, as well as for the three ECCAS multinational coordination centres based in Angola, Congo and Cameroon;

For the United Nations:

(a) Taking into account relevant activities being carried out by IMO and other United Nations entities in the region, as well as provisions of Security Council resolution 2018 (2011), the United Nations should work with ECOWAS, ECCAS and the Gulf of Guinea Commission to facilitate the earliest possible convening of the joint regional summit of Heads of State of the three regional organizations to develop a comprehensive anti-piracy strategy for the Gulf of Guinea. The United Nations should also assist with preparations for the successful organization of that summit;

(b) As requested by the three regional organizations, the United Nations should help mobilize resources to assist in building the national and the regional capacities, and in coordinating international assistance for maritime security in the Gulf of Guinea, in close consultation with regional States and organizations;

(c) IMO should continue to work with Governments, shipowners, insurers and maritime industry representatives to develop guidance for seafarers in the Gulf of Guinea;

(d) The United Nations should work with ECCAS, ECOWAS and the Gulf of Guinea Commission to organize an international donors' conference to mobilize resources to acquire and maintain infrastructure and equipment to support maritime security operations in the region.

VI. Concluding observations

60. The growing incidence of piracy in the Gulf of Guinea constitutes yet another major threat to the peace, security and economic interests of both coastal and hinterland States in the region. The consequences of inaction could be catastrophic, especially for oil-producing countries that are frequently targeted for their high-value petroleum assets, and countries like Benin, which rely extensively on their ports for national revenue. Some interlocutors expressed concern over possible political motivations for some of the pirate attacks that may seek to use piracy as a weapon to affect political developments in specific regional States.

61. In response to the increase in the number of piracy incidents globally, several private commercial ship operators are considering employing, or have already engaged, privately contracted armed security personnel on board ships. This has implications for coastal States regarding aspects related to the embarkation, the disembarkation and the carriage of such personnel, as well as their firearms and security-related equipment, which will need to be discussed at IMO and at the regional level in order to clarify the positions and policies of States on these issues. Some interlocutors proposed to the mission that these private companies, particularly those focused on offshore oil and gas extraction, should be encouraged to subsidize or offset the costs of maritime security by paying higher licensing and tax fees into a common maritime security fund.

62. The mission found that all countries in the region are very concerned about the growing threat of piracy, although the nature and the level of their responses vary. Some countries have demonstrated political will at the highest level to combat the threat and have already initiated a number of preventive measures towards that end. However, the phenomenon of rapidly increasing incidents of piracy caught most countries in the region unprepared. The authorities in Benin, for instance, mentioned that, since the Port of Cotonou was inaugurated on 1 August 1965, it was only in 2009 that the first pirate attack was recorded.

63. The mission noted the determination and the resolve of individual regional States to address the growing threat. It was, however, apparent that their national and regional capacities varied and were limited overall. As such, the mission concluded that most countries in the Gulf of Guinea region could not alone prevent or manage effectively the threat to maritime security in their coastal waters. Furthermore, even though ECCAS member States had developed and deployed a relatively comprehensive collective anti-piracy architecture over the past three years, their commendable efforts were still limited in scope and effectiveness, and did not cover the entire Gulf of Guinea region.

64. The mission concluded that any viable or lasting regional strategy to combat piracy may also need to take into account the root causes, which drew from high levels of youth unemployment, wide income disparities within society, the uncontrolled circulation of illicit weapons and the prevalence of corruption.

65. The joint maritime patrols by Nigeria and Benin represent a model for inter-State cooperation to combat piracy in the Gulf of Guinea. The mission, however, sees this initiative only as a temporary solution. A longer-term strategy would require a broad synergy of efforts among concerned regional States to prevent pirates from seeking sanctuary in any country in the Gulf of Guinea from which they could attack neighbouring States. For such a regional strategy to take effect, the mission found that substantial assistance from the international community would be required. In particular, regional States welcomed the support of the United Nations, especially the dispatch by the Secretary-General of the assessment mission to the Gulf of Guinea and the adoption of Security Council resolution 2018 (2011). They called for continued and intensified United Nations engagement to build on that momentum. Regional States and organizations also highlighted the need for crucial logistical assets, in particular aircraft and naval boats and ships for surveillance and patrol purposes. As an immediate first step, it is critical to provide resources to Nigeria and Benin to maintain their joint patrols pending the adoption of a more permanent and longer-term arrangement.

66. In addition, it is vital that the United Nations, especially following the adoption of Security Council resolution 2018 (2011), work with ECCAS, ECOWAS and the Gulf of Guinea Commission, the three regional organizations engaged in combating piracy in the Gulf of Guinea region, to convene, as soon as possible, the joint ECCAS, ECOWAS and Gulf of Guinea Commission summit, welcomed by the Council as a forum to develop a comprehensive anti-piracy strategy for the region.

67. The United Nations is particularly well placed to play a coordinating role in this domain. It could in particular encourage regional States to act, mobilize international support for regional activities and help coordinate international assistance to ensure that the requirements for an effective anti-piracy strategy and plan of action for the Gulf of Guinea are met.

68. The mission would like to express its profound appreciation for the support extended to it by United Nations Resident Coordinators and the respective United Nations country teams in Benin, Nigeria, Gabon and Angola. Their generous and collegial assistance contributed immensely to the smooth conduct of the work of the mission. The mission also extends its gratitude to the ECOWAS Commission, the ECCAS secretariat, the Executive Secretariat of the Gulf of Guinea Commission and the Governments of Benin, Nigeria, Gabon and Angola for their cooperation.

United Nations S/2012/46

Security Council

Distr.: General
19 January 2012

Original: English

Letter dated 19 January 2012 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

I have the honour to refer to the summary statement on matters of which the Security Council is seized, and of the stage reached in their consideration.

I should like to notify you that the Government of the State of Kuwait wishes to see the following item retained in the list of matters of which the Security Council is seized:

The situation between Iraq and Kuwait.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Mansour **Al Qtaibi**
Ambassador
Permanent Representative

12-21067 (E) 200112

Please recycle

United Nations S/2012/47

Security Council

Distr.: General
19 January 2012

Original: English

Letter dated 19 January 2012 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to transmit a press release entitled "TPLF regime: ludicrous accusation against Eritrea", issued on 18 January 2012 by the Ministry of Foreign Affairs of the State of Eritrea (see annex).

Eritrea rejects the unfounded accusation that associates it with the armed attack by "Ethiopia armed groups against foreign tourists" in the Afar region of Ethiopia. Eritrea has always stood against terrorism in all its forms and manifestations and finds the heinous act condemnable. My delegation wishes to express its condolences to the families of the victims.

I would be most grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

12-21085 (E) 230112

Please recycle

Annex to the letter dated 19 January 2012 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Press release

TPLF regime: ludicrous accusation against Eritrea

As reported by various news agencies, the Ethiopian government is mendaciously implicating Eritrea for a senseless "armed attack by *Ethiopian armed groups* against foreign tourists" that reportedly occurred in its north-eastern "Afar region" on Monday this week.

This is not surprising as the TPLF regime routinely seeks to blame Eritrea for military acts of home-grown internal opposition movements spawned by its misguided policies.

The prevalence of armed opposition movements in Ethiopia is not, otherwise, a new or recent phenomenon predating, as it does, Eritrea's independence. But the pattern has been exacerbated in the last 20 years due to narrow policies of exclusion and marginalization of Ethiopia and the people of Ethiopia pursued by, and enshrined in, the constitution of the current regime. The TPLF regime has further transformed Ethiopia into a platform of regional destabilization to serve the interests of external forces. Within this mindset, it has been employing any pretext to conduct a smear campaign against Eritrea.

The TPLF authorities have indeed made it a habit to stigmatize Eritrea for a variety of reasons; principal among which is to portray Eritrea in a negative light in order to deflect public attention from their illegal acts of occupation of sovereign Eritrean territories and other acts of regional destabilization. Apparently, they have seized on this tragic event as a *blessing in disguise* to vilify Eritrea.

These are the indelible facts. Unfortunately, the TPLF regime has always found succour in other powers that are responsible for instigating and compounding its hostile campaigns. The apparent tendency of many news agencies to hastily associate Eritrea with this senseless act without any modicum of examination and validation only amplify the extent of the sinister designs woven against Eritrea.

United Nations S/2012/48

Security Council

Distr.: General
20 January 2012
English
Original: Spanish

Letter dated 17 January 2012 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

I have the honour to refer to the summary statement on matters of which the Security Council is seized and on the stage reached in their consideration, as set out in document S/2012/10, dated 2 January 2012.

In accordance with the established procedure, I should like to inform you that the Government of the Republic of Cuba requests that the following four items brought to the Council's attention by the Republic of Cuba remain on the list of matters of which the Council is seized:

- Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378)
- Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council (S/4605)
- Complaint by Cuba (S/10993)
- Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120).

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Pedro **Núñez Mosquera**
Ambassador
Permanent Representative

12-21130 (E) 240112 240112

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